# THE PRESS, PUBLICATIONS AND COPYRIGHT LAWS OF INDIA

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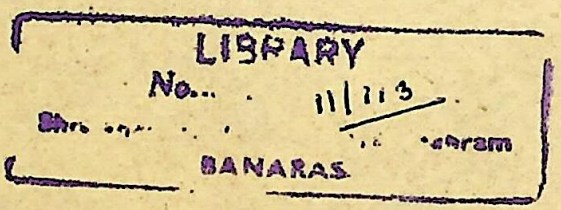


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# THE PRESS, PUBLICATIONS AND COPYRIGHT LAWS OF INDIA

BY
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ADVOCATE

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## PREFACE

This is a small book containing all the relevant acts passed within recent years regarding the Press, Publication and Copyright Laws in India. All the Acts have been explained with short notes whenever necessary and summaries of the some of the Acts have been given. The most important of the Acts is Copyright Act 14 of 1957 which has received the assent of the President but awaits the date of the operation to be announced.

It is hoped that the book will be useful not only to lawyers but also to journalists, writers, publishers and owners of the press.

Calcutta

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# THE PRESS AND REGISTRATION OF BOOKS ACT, 1876

**List of Amending Acts and Adaptation Orders.**

1. The Repealing Act, 1870 (14 of 1870).
2. The Press and Registration of Books Act (1867) Amendment Act, 1890 (10 of 1890).
3. The Amending Act, 1891 (12 of 1891).
4. The Indian Short Titles Act, 1897 (14 of 1897).
5. The Indian Copyright Act, 1914 (3 of 1914).
6. The Repealing and Amending Act, 1914 (10 of 1914).
7. The Repealing and Amending Act, 1915 (11 of 1915).
8. The Press Law Repeal and Amendment Act, 1922 (14 of 1922).
9. The Repealing and Amending Act, 1923 (11 of 1923).
10. The Government of India (Adaptation of Indian Laws) Order, 1937.
11. The Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.
12. The Adaptation of Laws Order, 1950.
13. The Repealing and Amending Act, 1950 (35 of 1950).
14. The Part B States (Laws) Act, 1951 (3 of 1951).
15. The Press (Objectionable Matter) Act, 195 of 1951).
16. The Press and Registration of Books (Amendment) Act, 1955 (55 of 1955).

**List of Abbreviations used.**

A.O. 1937...for Government of India (Adaptation of Indian Laws) Order, 1937.

A.O. 1948...for Indian Independence (Adaptation of Central Acts and Ordinances) Order, 1948.

A.O. 1950...for Adaptation of Laws Order, 1950.

Ins...for Inserted.

S...for Section.

Sch ..for Schedule.

Subs...for Substituted.

# THE PRESS AND REGISTRATION OF BOOKS ACT, 1867.

## Arrangement of Sections


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2. [*Repealed.*]

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21. Power to exclude any class of books from operation of Act.

22. [Extent.]

23. [*Repealed.*[

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23. [*Repealed.*[

# [THE PRESS AND REGISTRATION OF BOOKS ACT, 1867][1]

Act XXV of 1867

[*As modified up to the 1st April, 1956*]

[22*nd March, 1867*]

**An Act for the regulation of Printing-presses and Newspapers, for the preservation of copies of books [2][and newspapers] printed in [3][India], and for the registration of such books [2][and newspapers].**

---

1 Short title given by the Indian Short Titles Act, 1897 (14 of 1897)

For Statement of Objects and Reasons, *see* Gazette of India, 1867, p. 191; and for Proceedings in Council, *see ibid*, Supplement, pp. 72, 156 and 299.

This Act was declared, by the Laws Local Extent Act, 1874 (15 of 1874), s. 3 to be in force in all the Provinces of India. except the Scheduled Districts.

It has been applied to the Santhal Parganas by the Santhal Parganas Settlement Regulation (3 of 1872). s. 3; to the Khondmals District by the Khondmals Law Regulations, 1936 (4 of 1936), s. 3 and Sch ; and to the Angul District by the Angul Laws Regulation, 1936 (5 of 1936), s. 3 and Sch.

It has been applied, by notification under s. 3 (a) of the Scheduled Districts Act, 1874 (14 of 1874), to the following Scheduled Districts namely:—

the Territory of Peint, *see* Gazette of India, 1887, Pt. I. p. 144: (Peint is now no longer a Scheduled District, and all the enactments in force in the Nasik District of the Bombay Presidency, among them Act 25 of 1867 are now in force in this territory), *see* the Peint Laws Act, 1894 (Bom. Act 2 of 1894) ;

the Island of Perim, *see* Gazette of India, 1887, Pt. I. p. 5 ;

that portion of the Jalpaiguri District which was formerly the Jalpaiguri Sub-division and now forms the western portion of the District of Jalpaiguri and extends as far east as the Teesta River, the hills west of Teesta River in the District of Darjiling, the Darjiling Tarai, the Damson Sub division of the Darjiling District, the Districts of Hazaribagh, Lohardaga [now called the Ranchi District, *see* Calcutta Gazette, 1899 Pt. I, p. 44] and Manbhum, and Pargana Dhalbhum and the Kolhan in the District of Singhbum, *see* Gazette of India, 1881, Pt. I. pp 74 and 504; the western Duars of the Jalpaiguri District, *see ibid*, 1910, Pt. I, p. 1160.

2 Ins. by Act 55 of 1955, s. 2.

3 Subs, by Act 3 of 1951, s. 3 and Sch.

Whereas it is expedient to provide for the regulation of printing-presses and of [1][newspapers]. for the preservation of[2]*copies of [3][every book and newspaper printed in India and for the registration of such books and newspapers] ; It is hereby enacted as follows: —

NOTES.—The main object of the Act is to set up a statutory machinery for the collection and making available to the public, of authentic statistics regarding all aspects of the newspaper industry. It empowers the Government of India to appoint a Press Registrar who is required to maintain an up-to-date Register of Newspapers as prescribed under the Act. The publishers of newspapers must furnish to the Press Registrar information, statistics and returns required by him The Registrar or any gazetted officer authorised by him, has access to the relevant records maintained by the publisher for the collection or verification of the information The Press Registrar is required to prepare an annual report containing a summary of the information supplied to him. Wilful disclosure of information supplied by a newspaper, other than that provided under the Act is a penal offence.

---

the Districts of Kumaon and Garhwal, *see* Gazette of India, 1876, Pt I, p. 605 ;

the scheduled portion of the Mirzapur District, *see* Gazette of India 1879, Pt. I, p. 383 :

Pargana Jaunsar Bawar in the Dehra Dun District, *see* Gazette of India, 1897, Pt. I, p. 382 :

the District of Kamrup, Nowgong, Darrang, Sibsagar, Lakhimpur, Goalpara (excluding the Eastern Duars) and Cachar (excluding the North Cachar Hills), *see* Gazette of India, 1887, Pt. I, p. 533 ;

the Garo Hills, the Kashi and Jaintia Hills, the Naga Hills, the North Cachar Hills in the Cachar District, and the Eastern Duars in the Goalpara District, *see* Gazette of India, 1897, Pt. I, p. 299 ;

It has been declared, by notification under s. 3 (b) of the Scheduled Districts Act, 1874 (14 of 1874) not to be in force in the Scheduled Distrist of Luhaul in the Punjab, *see* Gazette of India, 1886, Pt. I, p. 301.

It has been extended, by notification unders. 5 of the Scheduled Districts Act, 1874, (14 of 1874), to the Tarai District of the Province of Agra, *see* Gazette of India, 1876, Pt. I, p. 506, to the District of Coorg, *see ibid*, 1918, Pt. II, p. 1730.

1 Subs. by Act 35 of 1950, s. 3 and Sch.

2 The word "three" omitted by Act 10 of 1890, s. 1,

3 Subs. by Act 55 of 1955, s. 3.

## PART I

### PRELIMINARY

**1.** *Interpretation-clause.*—In this Act, unless there shall be something repugnant in the subject or context,—

"Book" includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of of music, map, chart or plan separately printed [1]* * *:

[2]* * * * *

[3]["Editor" means the person who controls the selection of the matter that is published in a newspaper :]

[4]["India" means the territory of India excluding the State of Jammu and Kashmir :]

"Magistrrte" means any person exercising the full powers of a [5]Magistrate and includes a [6]Magistrate of Police[7]* * :

[3]["Newspaper" means any printed periodical work containing public news of comments on public news :]

[8]* * * * * *

[9]["paper" means any document, including a newspaper, other than a book ;

---

It has also been extended to Berar by the Berar Laws Act, 1941 (4 of 1941).

It has been amended in its application to the Punjab by the Press and Registration of Books (Punjab Amendment) Act. 1942 (Punjab 14 of 1942)

1 The words "or lithographed" omitted by Act, 55 of 1955, s. 4.

2 Definition of "British India" rep. by the A.O. 1937, *see* now the definition in s. (5) of the General Clauses Act, 1897 (X of 1897).

3 Ins. by Act 14 of 1922, s. 3.

4 Ins. by Act 3 of 1951, s. 3 and Sch.

5 Now Magistrate of the first class, *see* the Code of Criminal Procedure, 1898 (5 of 1898).

6 Now Presidency Magistrate, *see* Act 20 of 1890 and Act 5 of 1898.

7 The words "and a Justice of the Peace" rep. by Act 10 of 1890. s-2.

8 Paragraphs relating to "Number" and ,'Gender" rep. by Act 10 of 1914 ; definition of "Local Government" rep by the A. O. 1937 and the definition of "States" ins. by the A. O. 1950 was rep. by Act 3 of 1951.

9 Ins. by Act 55 of 1955, s. 4.

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"prescribed" means prescribed by rules made by the Central Government under section 20A ;

"Press Register" means the Registrar of newspapers for India appointed by the Central Government under section 19A and includes any other person appointed by the Central Government to perform all or any of the functions of the Press Registrar ;

"printing" includes cyclostyling and printing by lithography ;

"Register" means the Register of newspapers maintained under section 19B.]

2. [*Repeal of Act XI of* 1835] *Repealed by the Repealing Act*, 1870 (*XIV of* 1870).

## PART II

### Of Printing-press and Newspapers

3. *Particulars to be printed on books and papers.*—Every book or paper printed within [1][India] shall have printed ligibly on it the name of the printer and the place of printing, and (if the book or paper be published) [2][the name] of the publisher and the place of publication.

NOTES—Validity of requirement as to the disclosure of the name of the printer and press on any printed material—whether opposed to Art. 19(1) (a) of the Constitution.—It was held the provisions of the Act have to be viewed against the background of the freedom of speech and expression under Article 19(1) (a) of the Constitution of India. Article 19(1)(a) guarantees freedom of speech and expression. But this freedom of speech is not an unqualified right conferred upon the citizens of the Republic. Section does not in any way restrict the freedom of expression. It does not amount an unreasonable to restriction of any fundamental right guaranteed under Article 19(1) (a) of the Constitution of India *In re Alavandar*, 1957 1 M. L. J. 136

4. *Keeper of Printing-press to make declaration.*—[3][(1)] No person shall, within [1][India], keep in his possession any press for the printing of books or papers, who shall not have made and subscribed the following declaration before

---

1 Subs. by Act 3 of 1951, s. 3 and Sch.

2 Ins. by Act 12 of 1891.

3 Section 4 was renumbered as sub-section (1) of that section and sub-section (2) was added by Act 55 of 1955, s. 5.

[1][the District, Presidency or Sub-Divisional Magistrate] within whose local jurisdiction such press may be:

"I, A. B., declare that I have a press for printing at——."

And this last blank shall be filled up with a true and precise description of the place where such press may be situate.

[2][(2) As often as the place where a press is kept is changed, a new declaration shall be necessary:

Provided that where the change is for a period not exceeding sixty days and the place where the press is kept after the change is within the local jurisdiction of the Magistrate referred to in sub-section (1), no new declaration shall be necessary if—

(*a*) a statement relating to the change is furnished to the said Magistrate within twenty-four hours thereof; and

(*b*) the keeper of the press continues to be the same.]

5. *Rules as to publication of newspapers.*—No [3][newspaper] shall be published in [4][India], except in conformity with the rules hereinafter laid down:

[5][(1) Every copy of every such newspaper shall contain the name of the person who is the editor thereof printed clearly on such copy as the name of the editor of that newspaper:]

[6][(2) The printer and the publisher of every such[7] [newspaper] shall appear [7][in person or by agent authorised in this behalf in accordance with rules made under section 20, before a District, Presidency or Sub-divisional Magistrate within whose local jurisdiction such newsparer shall be printed or published, or such printer or publisher resides], and shall make and subscribe, in duplicate, the following declaration:

---

1 Subs. by Act 56 of 1951, s. 36.

2 S. 4 was renumbered as sub-section (1) of that section and sub-section (2) was added by Act 55 of 1955. s. 5.

3 Subs. by Act 14 of 1922, s. 3 and Sch. I.

4 Subs by Act 3 of 1951, s. 3 and Sch.

5 Subs. by Act 14 of 1922 s 3 and Sch. 1.

6 Sub-section renumbered by Act 14 of 1922, s. 3 and Sch. I.

7 Subs. *ibid.*

"I, A. B , declare that I am the printer (*or* publisher *or* printer and publisher) of the [1][newspaper] entitled ——[2][and to be printed *or* published, *or* to be printed and published], *as the case may be* at——."

And the last blank in this form of declaration shall be filled up with a true and precise account of the premises where the printing or publication is conducted :

[3][(2A) Every declaration under rule (2) shall specify the title of the newspaper, the language in which it is to be published and the periodicity of its publication and shall contain such other particulars as may be prescribed, ]

[4][(3)] As often as the place of printing or publication is changed, a new declaration shall be necessary :

[1][Provided that where the change is for a period not exceeding thirty days and the place of printing or publication after the change is within the local jurisdiction of the Magistrate referred to in rule (*2*), no new declaration shall be necessary if—

(*a*) a statement relating to the change is furnished to the said Magistrate within twenty-four hours thereof ; and

(*b*) the printer or publisher or the printer and publisher of the newspaper continus to be same.]

[4][(4)] As often as the printer or the publisher who shall have made such declaration as is aforesaid [3][shall leave India for a period exceeding thirty days], a new declaration from a printer or publisher resident within the said territories shall be necessary :

[3][(5)] Every declaration made in respect of a newspaper shall be void, where the newspaper does not commence publication—

(*a*) within six weeks of the declaration, in the case of a newspaper to be published once a week or oftener ; and

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1 Subs. by Act 14 of 1922, s. 3 and Sch. 1.

2 Subs. by Act 55 of 1955 s. 6. 3 Ins., *ibid.*

4 Sub section renumbered, by Act 14 of 1922, s. 3 and Sch. 1.

(*b*) within three months of the declaration, in the case of any other newspaper,

and in every such case, a new declaration shall be necessary before the newspaper can be published

(6) Where, in any period of three months, any daily, triweekly biweekly, weekly or fortnightly newspaper publishes issues the number of which is less than half of what should have been published in accordance with the declaration made in respect thereof, the declaration shall cease to have effect and a new declaration shall be necessary before the publication of the newspaper can be continued.

(7) Where any other newspaper has ceased publication for a perfod exceeding twelve months, every declaration made in respect thereof shall cease to have effect, and a new declaration shall be necessary before the newspaper can be republished.

(8) Every existing declaration in respect of a newspaper shall be cancelled by the Magistrate before whom a new declaration is made and subscribed in respect of the same.]

[1][Provided that no person who has not attained majority in accordance with the provisions of the Indian Majority Act, 1875 (IX of 1875) or of the law to which he is subject in respect of the attainment of majority, shall be permitted to make the declaration prescribed by this section, nor shall any such person edit a newspaper.]

**6.** *Authentication of declaration.*—Each of the two originals of every declaration so made and subscribed as is aforesaid, shall be authenticated by the signature and official seal of the Magistrate before whom the said declaration shall have been made.

[2][Provided that where any declaration is made and subscribed under section 5 in respect of a newspaper, the declaration shall not, save in the case of newspaper owned by the same person, be so authenticated unless the Magistrate

---

1 Ins. by Act 14 of 1922, s. 3.

2 Ins. by Act 55 of 1955, s. 7.

is satisfied from such inquiry as he thinks fit to make from the Press Registrar or otherwise that the newspaper proposed to be published does not bear a title which is the same as, or similar to, that of any other newspaper published either in the same language or in the same State

*Deposit.*—One of the said originals shall be deposited among the records of the office of the Magistrate, and the other shall be deposited among the records of the High Court of Judicature, or [1][other principal Civil Court of original jurisdiction for the place where] the said declaration shall have been made:

*Inspection and supply of copies.*—The Officer-in-Charge of each original shall allow any person to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said declaration, attested by the seal of the Court which has the custody of the original, on payment of a fee of two rupees.

[2][A copy of the declaration attested by the official seal of the Magistrate shall be forwarded to the Press Registrar.]

**7.** *Office copy of declaration to be* prima facie *evidence*— In any legal proceeding whatever, as well civil as criminal, the production of a copy of such declaration as is aforesaid, attested by the seal of some Court empowered by this Act to have the custody of such declarations, [3][or, in the case of the editor, a copy of the newspaper containing his name printed on it as that of the editor] shall be held (unless the contrary be proved) to be sufficient evidence, as against the person whose name shall be subscribed to such declaration, [3][or printed on such newspaper, as the case may be] that the said person was printer or publisher, or printer and publisher (according as the words of the said declaration may be) of every portion of every [4][newspaper] whereof the title shall correspond with the title of the [4][newspaper] mentioned in

---

1 Subs. by Act 10 of 1890, s. 3.

2 Ins. by Act 55 of 1955, s. 7.

3 Ins. by Act 14 of 1922, s. 3.

4 Subs. by Act 14 of 1922, s. 3.

the declaration [1][or the editor of every portion of that issue of the newspaper of which a copy is produced].

3. *New declaration by persons who have signed declaration and subsequently ceased to be printers or publishers*— [2][If any person has subscribed to any declaration in respect of a newspaper under section 5 and the declaration has been authenticated by a Magistrate under section 6 and subsequently that person ceases to be the printer or publisher of the newspaper mentioned in such declaration, he shall appear before any District, Presidency or Sub-Divisional Magistrate, and make and subscribe in duplicate the following declaration:—

'I, A. B., declare that I have ceased to be the printer or publisher or printer and publisher of the newspaper entitled——'.]

*Authentication and filing.*—Each original of the latter declaration shall be authenticated by the signature and seal of the Magistrate before whom the said latter declaration shall have been made, and one original of the said latter declaration shall be filed along with each original of the former declaration.

*Inspection and supply of copies*—The Officer-in-Charge of each original of the latter declaration shall allow any person applying to inspect that original on payment of a fee of one rupee, and shall give to any person applying a copy of the said latter declaration, attested by the seal of the Court having custody of the original, on payment of a fee of two rupees.

*Putting copy in evidence*—In all trials in which a copy, attested as is aforesaid, of the former declaration shall have been put in evidence, it shall be lawful to put in evidence a copy, attested as is aforesaid, of the latter declaration, and the former declaration shall not be taken to be evidence that the declarant was at any period subsequent to the date of the

1 Ins. by Act 14 of 1922, s. 3.

2 Subs. by Act 55 of 1955. s. 8.

latter declaration, printer or publisher of the [1][newspaper] therein mentioned.

[2][A copy of the latter declaration attested by the official seal of the Magistrate shall be forwarded to the Press Registrar.]

[3][8A. *Person whose name has been incorrectly published as editor may make a declaration before a Magistrate.*—If any person, whose name has appeared as editor on a copy of a newspaper, claims that he was not the editor of the issue on which his name has so appeared, he may, within two weeks of his becoming aware that his name has been so published, appear before a District, Presidency or Sub-divisional Magistrate and make a declaration that his name was incorrectly published in that issue as that of the editor thereof. and if the Magistrate after making such inquiry or causing such inquiry to be made as he may consider necessary is satisfied that such declaration is true, he shall certify accordingly, and on that certificate being given the provisions of section 7 shall not apply to that person in respect of that issue of the newspaper.

The Magistrate may extend the period allowed by this section in any case where he is satisfied that such person was prevented by sufficient cause from appearing and mgking the declaration within that period.]

## [4][PART III

### Delivery of Books

9. *Copies of books printed after commencement of Act to be delivered gratis to Government.*—Printed [5]* * * copies of the whole of every book which shall be printed [5]* * * in [6][India] after this Act shall come into force, together with all

---

1 Subs. by Act 55 of 1955, s. 8.
2 Ins. by Act 55 of 1955, s. 8.
3 Ins. by Act 14 of 1922, s. 2 and Sch. I.
4 Subs. by Act 10 of 1890, s. 4.
5 The words "or lithographed" omitted by Act 55 of 1955, s. 9.
6 Subs. by Act 3 of 1951, s. 3 and Sch.

maps, prints or other engravings belonging thereto, finished and coloured in the same manner as the best copies of the same, shall, notwithstanding any agreement (if the book be published) between the printer and publisher thereof, be delivered by the printer at such place and to such officer as the [1][State Government] shall, by notification in the official Gazette, from time to time, direct, and free of expense to the Government, as follows, that is to say:—

(*a*) in any case, within one calendar month after the day on which any such book shall first be delivered out of the press, one such copy, and

(*b*) if within one calendar year from such day the [1][State Government] shall require the printer to deliver other such copies not exceeding two in number, then within one calender month after the day on which any such requisition shall be made by the [1][State Government] on the printer, another such copy, or two other such copies, as the [4][State Government] may direct,

the copies so delivered being bound, sewed or stitched together and upon the best paper on which any copies of the book shall be printed [2] * * *

The publisher or other person employing the printer shall, at a reasonable time before the expiration of the said month, supply him with all maps prints and engravings finished and coloured as aforesaid, which may be necessary to enable him to comply with the requirements aforesaid.

Nothing in the former part of this section shall apply to—

(*i*) any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, book prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book have been delivered under this Act, or

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1 Subs. by the A.O. 1950.

2 The words "or lithographed" omitted by Act 55 of 1955, s; 9.

(*ii*) any [1][newspaper] published in conformity with the rules laid down in section 5 of this Act.

10. *Receipt for copies delivered under section* 9.—The officer to whom a copy of a book is delivered under the last foregoing section shall give to the printer a receipt in writing therefor.

11 *Disposal for copies delivered under section* 9,—The copy delivered pursuant to clause (*a*) of the first paragraph of section 9 of this Act shall be disposed of as the [2][State Government] shall from time to time determine. Any copy or copies delivered pursuant to clause (*b*) of the said paragraph shall be transmitted to the [3][Central Government.]

[4][11A. *Copies of newspaper printed in India to be delivered gratis to Government.*—The printer of every newspaper in [5][India] shall deliver at such place and to such officer as the [2][State Government] may, by notification in the [6][Official Gazette], direct, and free the expense to the Government. two copies of issue of such newspaper as soon as it is published.]

[7][11B. *Copies of newspapers to be delivered to Press Registrar.*—Subject to any rules that may be made under this Act, the publisher of every newspaper in India shall deliver free of expense to the Press Registrar one copy of each issue of such newspaper as soon as it is published.]

NOTES—The publisher of every newspaper in India is required under the Act to deliver free of expense to the Registrar, one copy of each issue to the newspaper as soon as published. The rule provides that every publisher shall, within 48 hours of the publication of an of issue his newspaper, send to the Press Registrar one copy of the issue by post or by a messenger. In this connection, it has been provided that the copies of the issues of newspapers published in Hindi, Urdu or

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1 Subs. by Act 14 of 1922, s. 3 and Sch.
2 Subs. by A.O. 1950.
3 Subs. by the A.O. 1948.
4 Ins. by Act 14 of 1922, s. 3 and Sch.
5 Subs. by Act 3 of 1951, s. 3 and Sch.
6 Subs. by the A O. 1937.
7 Ins. by Act 55 of 1955, s. 10.

English and of newspapers published into languages, one of which is Hindi, Urdu or English should be sent to the Press Registrar in New Delhi. Copies of the issues oi newspapers published in any of the regional languages (specified below) should be sent to the officer in charge of the Regional Office of the Press Information Bureau, Ministry of Information and Broadcasting, Government of India, at the place specified, who will receive it on behalf of the Press Registrar.

*Punjabi :* Jullunder ; *Bengali, Oriya and Assamese :* Calcutta : *Tamil and Telegu :* Madras ; *Melayalam :* Ernakulam ; *Maratha and Gujrati :* Bombay ; *Kannara :* Bangalore.

Copies of the issues of newspapers published in any other language or languages are to be sent to the Press Registrar, Delhi.

## PART IV

### PENALTIES

12. *Penalty for printing contrary to rule in section* 3.—Whoever shall print or publish any book or paper otherwise than in conformity with the rule contained in section 3 of this Act shall, on conviction before a Magistrate, be punished by fine not exceeding [1][two thousand] rupees, or by simple imprisonment for a term not exceeding [1][six months] or by both.

13. *Penalty for keeping press without making declaratton required by section* 4,—Whoever shall keep in his possession any such press as aforesaid, [2][in contravention of any of the provisions contained in section 4 of this Act] shall on conviction before a Magistrate, be punished by fine not exceeding [1][two thousand] rupees or by simple imprisonment for a term not exceeding [1][six months], or by both.

14 *Punishment for making false statement.*—Any person who shall, in making [3][any declaration or other statement] under the authority of this Act, make a statement which is false or does not believe to be true, shall on conviction before a Magistrate, be punished by fine not exceeding [3][two

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1 Subs. by Act 14 of 1922, s. 3 and Sch.

2 Subs. by Act 55 of 1955, s. 11.

3 Subs. by s. 12, Act 55 of 1955. s. 11.

thousand] rupees, and imprisonment for a term not exceeding [1](six months).

15. *Penalty for printing or publishing newspaper without conforming to rules.*—Whoever shall [2](edit), print or publish any [2](newspaper) without conforming to the rules hereinbefore laid down, or whoever shall [2](edit), print or publish or shall cause to be [2](edited), printed or published, any [1](newspaper) knowing that the said rules have not been observed with respect to [1](that newspaper), shall, on conviction before a Magistrate, be punished with fine not exceeding [1][two thousand] rupees, or imprisonment for a term not exceeding [1](six months), or both.

[3][15A. *Penalty for failure to make a declaration under section 8.*—If any person who has ceased to be a printer or publisher of any newspaper fails or neglects to make a declaration in compliance with section 8, he shall, on conviction before a Magistrate, be punishable by fine not exceeding two hundred rupees.]

[4][16. *Penalty for not delivering books or not supplying printer with maps.*—If any printer of any such book as is referred to in section 9 of this Act shall neglect to deliver copies of the same pursuant to that section, he shall for every such default forfeit to the Government such sum not exceeding fifty rupees as a Magistrate having jurisdiction in the place where the book was printed may, on the application of the officer to whom the copies should have been delivered or of any person authorised by that officer in this behalf, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the copies which the printer ought to have delivered.

If any publisher or other person employing any such printer shall neglect to supply him, in the manner prescribed in the second paragraph of section 9 of this Act, with the maps,

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1 Subs. by Act 14 of 1922, s. 3 Sch.

2 Ins. by Act 14 of 1922, s. 3 and Sch.

3 Ins. by Act 55 of 1955, s. 13. 4 Subs. by Act 10 of 1890, s. 5.

prints or engravings which may be necessary to enable him to comply with the provisions of that section, such publisher or other person shall for every such default forfeit to the Government such sum not exceeding fifty rupees as such a Magistrate as aforesaid may, on such an application as aforesaid, determine to be in the circumstances a reasonable penalty for the default, and, in addition to such sum, such further sum as the Magistrate may determine to be the value of the maps, prints or engravings which such publisher or other person ought to have supplied.]

[1][16A. *Penalty for failure to supply copies of newspapers gratis to Goveanment.*—If any printer of any newspaper published in [[2]India] neglects to deliver copies of the same in compliance with section 11A, he shall, on the complaint of the officer to whom copies should have been delivered or of any person authorised by that officer in his behalf, be punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, with fine which may extend to fifty rupees of every default.]

[3][16 B. *Penalty for failure to supply copies of newspapers to Press Registrar.*—If any publisher of any newspaper published in India neglects to deliver copies of the same in compliance with section 11B, he shall, on the complaint of the Press Registrar, be punishable, on conviction by a Magistrate having jurisdiction in the place where the newspaper was printed, by fine which may extend to fifty rupees for every default.]

[4][17. *Recovery of forfeitures and disposal thereof and of fines*—Any sum forfeited to the Government under [5][section 16] may be recovered under the warrant of the Magistrate determining the sum, or of his successor in office, in the manner authorised by the [6]Code of Criminal Procedure for the

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1 Ins. by Act 14 of 1922, s. 3 and Sch. I.
2 Subs. by Act 3 of 1951, s. 3 and Sch.
3 Ins. by Act 55 of 1955, s 14.
4 Subs. by Act 10 of 1890, s. 5.
5 Subs. by Act 11 of 1923, s. 2. and Sch.
6 *See* now the Code of Criminal Procedure, 1898 (5 of 1898).

PRESENTED



time being in force, and within the period prescribed by the Indian Penal Code (XLV of 1860), for the levy of a fine.]

[1]* * * *

## PART V

### REGISTRATION OF BOOKS

**18.** *Registration of Memoranda of books.*—There shall be kept at such office, and by such officer as the [2][State Government] shall appoint in this behalf, a book to be called a Catalogue of Books printed in [3][India], wherein shall be registered a memorandum of every book which shall have been delivered [4][pursuant to clause (*a*) of the first paragraph of section 9] of this Act. Such memorandum shall (so far as may be practicable) contain the following particulars (that is to say) :—

(1) the title of the book and the contents of the title-page, with a translation into English of such title and contents, when the same are not in the English language :

(2) the language in which the book is written ;

(3) the name of the author, translator or editor of the book or any part thereof ;

(4) the subject ;

(5) the place of printing and the place of publication ;

(6) the name or firm of the printer and the name or firm of the publisher ;

(7) the date of issue from the press or of the publication ;

(8) the number of sheets, leaves or pages ;

(9) the size ;

(10) the first, second or other number of the edition ;

(11) the number of copies of which the edition consists ;

(12) whether the book is printed [5][cyclostyled or lithographed] ;

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1 The paragraph was rep. by the A.O. 1937.

2 Subs. by the A.O. 1950.

3 Subs. by Act 3 of 1951 s. 3 and Sch.

4 Subs. by Act 10 of 1890, s. 6.

5 Subs. by Act 55 of 1955, s. 15.

(13) the price at which the book is sold to the public ; and

(14) the name and residence of the proprietor of the copyright or of any portion of such coppright.

Such memorandum shall be made and registered in the case of each book as soon as practicable after the delivery of of the [1][copy thereof pursuant to clause (*a*) of the first paragraph of section 9].

[2] * * * *

19. *Publication of memoranda registered.*—The memoranda registered during each quarter in the said Catalogue shall be published in the [3][Official Gazette] as soon as may be after the end of such quarter, and a copy of the memoranda so published shall be sent[4]* * * to the [3][Central Government] [5]*.

## [6]PART VA

### Registration of Newspapers

19A. *Appointment of Press Registrar and other officers.*—The Central Government may appoint a Registrar of newspapers for India and such other officers under the general superintendence and control of the Press Registrar as may be necessary for the purpose of performing the functions assigned to them by or under this Act and may, by general or special order, provide for the distribution or allocation of functions to be performed by them under this Act.

19B. *Register of newspapers.*—(1) The Press Registrar shall maintain in the prescribed manner a Register of newspapers.

(2) The Register shall, as far as may be practicable, contain the following particulars about every newspaper published in India, namely :—

(*a*) the title of the newspaper ;

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1 Subs. by Act 10 of 1890, s. 6.

2 Last sentence of s. 18 rep. by Act 3 of 1914, s. 15 and Sch. II.

3 Subs. by the A.O. 1937.

4 The words "to the said Secretary of State, and" rep. by the A.O. 1948.

5 The word "respectively" rep., *ibid.*

6 Part VA containing ss. 19A to 19L ins. by Act 55 of 1955, s. 16.

(*b*) the language in which the newspaper is published ;

(*c*) periodicity of the publication of the newspaper ;

(*d*) the name of the editor, printer and publisher of the newspaper ;

(*e*) the place of printing and publication ;

(*f*) the average number of pages per week ;

(*g*) the number of days of publication in the year ;

(*h*) the average number of copies printed, the average number of copies sold to the public and the average number of copies distributed free to the public, the average being calculated with reference to such period as may be prescribed ;

(*i*) retail selling price per copy ;

(*j*) the names and addresses of the owners of the newspaper and such other particulars relating to ownership as may be prescribed.

(*k*) any other particulars which may be prescribed.

(3) On receiving information from time to time about the aforesaid particulars the Press Registrar shall cause relevant entries to be made in the Register and may make such necessary alterations or corrections threin as may be required for keeping the Register up-to-date.

19C. *Certificates of registration*—On receiving from the Magistrate under section 6 a copy of the declaration in respect of a newspaper, the Press Registrar shall cause relevant entries to be made in the Register in respect of the newspaper and shall, as soon as practicable thereafter, issue a certificate of registration in respect of that newspaper to the publisher thereof.

19D. *Annual statement, etc., to be furnished by newspapers.*—It shall be the duty of the publisher of every newspaper—

(*a*) a furnish to the Press Registrar an annual statement in respect of the newspaper at such time and containing such of the particulars referred to in subsection (2) of section 19B as may be prescribed ;

(*b*) to publish in the newspaper at such times and such of the particulars relating to the newspaper referred to in sub-section (2) of section 19B as may be specified in this behalf by the Press Registrar.

19E. *Returns and reports to be furnished by newspapers.* —The publisher of every newspaper shall furnish to the Press Registrar such returns, statistics and other information with respect to any of the particulars referred to in sub-section (2) of section 19B as the Press Registrar may from time to time require.

19F. *Right of access to records and documents.*—The Press Registrar or any gazetted officer authorised by him in writing in this behalf shall, for the purpose of the collection of any information relating to a newspaper under this Act, have access to any relevant record or document relating to the newspaper in the possession of the publisher thereof, and may enter at any reasonable time any premises where he believes such record or document to be and may inspect or take copies of the relevant records or documents or ask any question necessary for obtaining any information required to be furnished under this Act.

19G. *Annual report.*—The Press Registrar shall prepare, in such form and at such time each year as may be prescribed, an annual report containing a summary of the information obtained by him during the previous year in respect of the newspapers in India and giving an account of the working of such newspapers. and copies thereof shall be forwarded to the Central Government.

19H. *Furnishing of copies of extracts from Register.*— On the application of any person for the supply of the copy of any extract from the Register and on payment of such fee as may be prescibed, the Press Registrar shall furnish such copy to the applicant in such form and manner as may be prescribed.

19I. *Delegation of powers.*—Subject to the provisions of this Act and regulations made thereunder, the Press Registrar may delegate all or any of his powers under this Act to any officer subordinate to him.

19J.—*Press Registrar and other officers to be public servants.*—The Press Registrar and all officers appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

19K. *Penalty for contravention of section* 19D *or section* 19E, *etc.*—If the publisher of any newspaper—

(*a*) refuses or neglects to comply with the provisions of section 19D or section 19E ; or

(*b*) furnishes or causes to be furnished to the Press registrar any annual statement, returns, statistics or other information which he has reason to believe to be false ; or

(*c*) publishes in the newspaper in pursuance of clause (*b*) of section 19D any particulars relating to the newspaper which he has reason to believe to be false,

he shall be punishable with fine which may extend to five hundred rupees.

19L. *Penalty for improper disclosure of information.*—If any peason engaged in connection with the collection of information under this Act wilfully discloses any information or the contents of any return given or furnished under this Act otherwise than in the execution of his duties under this Act or for the purposes of the prosecution of an offence under this Act or under the Indian Penal Code (XLV of 1860), he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.]

## PART VI

### MISCELLANEOUS

20. *Power to make rules.*—The [1][State Government] shall have power to make such rules [2][not inconsistent with the rules made by the Central Government under section 20A]

1 Subs. by the A.O. 1950.

2 Ins. by Act 55 of 1955, s. 17.

as may be necessary or desirable for carrying out the objects of this Act, and from time to time to repeal, alter and add to such rules.

*Publication.*—All such rules, and all repeals and alterations thereof, and additions thereto, shall be published in the [1][Official Gazette.]

[2][20A. *Power of Central Government to make rules.*—(1) The Central Government may, by notification in the Official Gazette, make rules—

(*a*) prescribing the particulars which a declaration made and subscribed under section 5 may contain ;

(*b*) prescribing the manner in which copies of any declaration attested by the official seal of a Magistrate may be forwarded to the Press Registrar ;

(*c*) prescribing the mannar in which copies of any newspaper may be sent to the Press Registrar under section 11B ;

(*d*) prescribing the manner in which a Register may be maintained under section 19B and the particulars which it may contain ;

(*e*) prescribing the particulars which an annual statement to be furnished by the publisher of a newspaper to the Press Registrar may contain ;

(*f*) prescribing the form and manner in which an annual statement under clause (*a*) of section 19D, or any returns, statistics or other information under section 19E, may be furnished to the Press Registrar ;

(*g*) prescribing the fees for furnishing copies of extracts from the Register and the manner in which such copies may be furnished ;

(*h*) prescribing the manner in which a certificate of registration may be issued in respect of a newspaper ;

(*i*) prescribing the form in which, and the time within which, annual reports may be prepared by the Press Registrar and forwarded to the Central Government.

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1 Subs. by the A.O. 1937.

2 Ins. by Act 55 of 1955, s. 18.

(2) All rules made under this section shall, as soon as practicable after they are made, be laid before both House of Parliament.]

21. *Power to exclude any class of books from operation of Act.*—[1][The [2][State] Government may, by notification in the Official Gazette] exclude any class of books [3][or papers] from the operation of the whole or any part or parts of this Act.

[4][22. *Extent.*—This Act extends to the whole of India except the State of Jummu and Kashmir.]

23. [*Commencement.*] *Repealed by the Repealing Act, 1870 (XIV of 1870).*

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1 Subs. by the A. O. 1937.

2 Subs. by the A. O. 1950.

3 Ins. by Act 12 of 1915, s. 2 and Sch. I.

4 Ins. by Act 55 of 1955, s. 19. Original s. 22 was repealed by Act 10 of 1890.

# THE REGISTRATION OF NEWSPAPERS (CENTRAL) RULES, 1956

(Notification by the Ministry of Information and Broadcasting, 22nd June 1956 and Published in the Gazette of India, Extraordinary, June 28,1956)

*S.R.O. 1519.*—In exercise of the powers conferred by section 20-A of the Press and Registration of Books Act, 1867 (25 of 1867), the Central Government hereby makes the following rules namely:—

1. *Short title and commencement.*—(1) These rules may be called Registration of Newspapers (Central) Rules, 1956.

(2) They shall come into force on the 1st. day of July, 1956.

2. *Definitions.*—In these rules, unless the context otherwise requires.

(a) 'Act' means the Press and Registration of Books Act, 1867;

(b) 'Form' means a Form specified in the Schedule to these rules;

(c) 'Publisher' means the publisher of an newspaper.

3. *Form of declaration.*—Every declaration made under section 5 of the Act shall be in Form I and the person making the declaration shall give full and true particulars therein.

4. *Transmission of copies of declaration to the Press Registrar.*—A copy of every declaration made under section 5, 8 or 8-A of the Act before a Magistrate, duly attested by his official seal, shall be forwarded by the Magistrate to the Press Registrar by registered post.

5. *Delivery of copies of newspaper to the Press Registrar.*—(1) Every publisher shall, within 48 hours of the publication of an issue of his newspaper, send to the Press Registrar one copy of the issue by post or by a messenger:

Provided that where any newspaper publishes more than one edition under the same declaration and the retail selling price charged for, or the number of pages contained in, an issue of any such edition is different from an issue of any other edition, one copy of the issue of each such edition shall also in like manner be sent to the Press Registrar.

(2) For the purposes of sub-rule (1)—

(a) copies of the issues of newspapers published in Hindi, Urdu or English and of newspapers published in two languages, one of which is Hindi, Urdu or English, shall be sent to the Press Registrar in New Delhi;

(b) copies of the issues of newspapers published in any of the regional languages specified in column I below shall be sent to the Officer in charge of the Regional Office of the Press Information Bureau, Ministry of Information and Broadcasting, Government of India, at the place specified in the corresponding entry in column II and the officr shall take delivery of such newspaper on behalf of the Press Registrar:—

| I | II |
|---|---|
| Punjabi | Jullundur |
| Bengali, Oriya, Assamese | Calcutta |
| Tamil, Telugu | Madras |
| Malayalam | Eranakulam |
| Marathi, Gujarati | Bombay |
| Kananda | Bangalore |

(c) copies of the issues of newspapers published in any other language shall be sent to the Press Registrar in New Delhi.

6. *Annual Statement.*—(1) Every publisher shall, in respect of his newspaper or each of his newspapers, furnish to the Press Registrar an annual statement relating to each calendar year in Form II containing the particulars specified therein, so as to reach the Press Registrar on or before the last day of February of the following year.

NOTE.—The statement to be submitted on or before the last day of February 1957 need relate only to the period from 1st July 1956 to 31st December, 1956.

(2) Whenever there is a change in the retail selling price of a newspaper as furnished in any statement, the publisher shall, within 48 hours of such change, send intimation thereof to the Press Registrar.

7. *Maintenance of the Register.*—(1) The Press Registrar shall maintain a Register of Newspapers in Form III.

(2) The pages of the Register shall be numbered consecutively and entries in respect of a newspaper shall start from a fresh page. When particulars enumerated in Form I have been entered in the Register in respect of a newspaper, the Press Registrar shall allot a registration number to that newspaper. Initial entries in the Register and subsequent changes, if any, shall be duly authenticated under the signature of the Press Registrar.

(3) Th Press Registrar shall, in respect of every newspaper, cause relevant entries to be made in the Register and before making any entry therein, he may make such verification of the statements furnished to him by the newspaper as he may consider necessary.

8. *Particulars to be published in every newspaper.*—The publisher shall publish in every issue of his newspaper the retail selling price of each copy, or, when there is no such selling price, shall publish in an appropriate place that it is for free distribution. The publisher shall also publish in the first issue after the last day of February of each year the particulars specified in Forma IV.

9. *Furnishing of extracts from the Register.*—The Press Registrar shall, on an application made to him in writing and on payment of a fee of rupee one in respect of each newspaper, furnish to the applicant extracts from the Register duly certified by him.

10. *Certificate of registration.*—(1) Where a publisher makes a declaration before a Magistrate, the Press Registrar shall, as soon as practicable, after receipt of the copy of the declaraiton, issue to the publisher a certificate of registration in Form V.

(2) On receipt of information furnished by the publisher of a newspaper and upon allotting under rule 7(2) a registration number to that newspaper, the Press Registrar may also issue to the publisher a certificate of registration in Form V.

11. *Annual Report.*—The Press Registrar shall submit to the Central Government on or before the 30th April of each year, an annual report containing information and statistics about the Press in India, and in particular, circulation trends in different categories of newspapers and the trends in the direction of common ownership of more than one newspaper:

Provided that the annual report to be submitted on or before the 30th April 1957 may relate only to the period from the 1st July 1956 to the 31st December 1956.

SCHEDULE

*Form of Declaration*

FORM I

(*See* Rule 3)

I/We,_____ declare that I am/we are the printer(s) or publisher(s) or printer(s) and publisher(s) of the newspaper entitled_____ *to be printed at_____ or *published at_____, or to be printed and published at_____ and do solemnly affirm that particulars in respect of the said newspaper given hereunder are true to the best of my/our knowledge and belief.

1. Title of the newspaper ... ... ... ... ..._____
2. Language/Languages in which it is to be published ... ..._____
3. Periodicity of its publication and the day/days/dates on which it is to be published ... ... ... ... ... ..._____
4. Retail price of the newspaper ... ... ... ..._____
5. Publisher's Name ... ... ... ... ..._____
   Nationality ... ... ... ... ... ..._____
   Address ... ... ... ... ... ..._____
6. Printer's Name ... ... ... ... ... ..._____
   Nationality ... ... ... ... ... ..._____
   Addresss ... ... ... ... ... ..._____
7. Editor's Name ... ... ... ... ... ..._____
   Nationality ... ... ... ... .. ..._____
   Address ... ... ... ... ... ..._____
8. True and precise account of the premises where the printing is to be conducted ... ... ... ... ... ..._____
9. Place of Publication ... ... ... ... ..._____

Date_____

Signature_____

Designation_____

*Strike out whatever is not applicable.

*Annual Statemen. in respect of the entitled.....for the period ending 31st December 195 .*

FORM II

[*See* Rule 6(1)]

| S. No. | Items | Details of particulars | Particulars of changes, if any, during the year with date(s) of changes | Remarks |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | *A—General* | | | |
| 1. | Declaration under which the newspaper is published ... | | | |
| 2. | Registration number of the newspaper ... ... | | | |
| 3. | Title of the newspaper ... ... ... | | | |
| 4. | Language/Languages in which the newspaper is published ... ... ... ... | | | |
| 5. | (a) Periodicity of the publication of the newspaper ... | | | |
| | (b) Days/Dates of the publication (in the case of publication not published every day) ... ... | | | |
| 6. | Editor's Name ... ... ... ... | | | |
| | Nationality ... ... ... ... | | | |
| | Address ... ... ... ... | | | |
| 7. | Printer's Name ... ... ... ... | | | |
| | Nationality ... ... ... ... | | | |
| | Address ... ... ... ... | | | |
| 8. | Publisher's Name ... ... ... ... | | | |
| | Nationality ... ... ... ... | | | |
| | Address ... ... ... ... | | | |
| 9. | (a) True and precise account of the premises where printing is conduted ... ... ... | | | |
| | (b) Place of publication ... ... ... | | | |
| 10. | (a) Average number of pages per week in respect of daily, bi-weekly, tri-weekly and weekly newspapers | | | |
| | (b) Average number of pages per issue in respect of other newspapers ... ... ... | | | |
| 11. | Number of days of publication in a year ... ... | | | |

| Jan. | Feb. | Mar. | April | May | June | July | Aug. | Sept | Oct. | Nov. | Dec. | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|

I, ....., hereby declare that the particulars given above are true to the best of my knowledge and belief.

Date.....

Signature of the publisher.....

| *B.—Circulation* | Jan. | Feb. | Mar. | April | May | June | Half Yearly average | July | Aug. | Sept. | Oct. | Nov. | Dec. | Half Yearly average |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 12. Average number of copies printed per publishing day | | | | | | | | | | | | | | |
| 13. Average number of copies sold ... ... | | | | | | | | | | | | | | |
| 14. Average number of copies distributed free (including complimentary, voucher, exchange, bonus, sample and office copies) ... ... ... | | | | | | | | | | | | | | |
| 15. Retail selling price per copy ... ... ... | | | | | | | | | | | | | | |

I,....., hereby declare that the particulars given above are true to the best of my knowledge and belief.

Date: Signature of publisher .....

**Countersigned

Chartered Accountant Qualified Auditor

**In respect of newspapers where the average number of copies printed per publishing day does not exceed 2000, countersignature by a accountant or a qualified auditor is not necessary.

| *C.—Ownership* | Name | Address | Value of share of Capital | Whether related to other shareholders by marriage, blood relationship or otherwise |
|---|---|---|---|---|
| | 1 | 2 | 3 | 4 |
| 16. *(a)* Names and addresses of the owners of the newspaper (Particulars need be given only of individuals who own the newspaper and partners or shareholders holding more than one per cent of the Capital) ... | | | | |
| *(b)* Also state: | | | | |
| (i) If the owner is a firm; whether it is registered or unregistered, and particulars of partners who own more than one per cent of the capital ... ... ... ... | | | | |

(ii) If the owner is a Joint Stock Company: whether a public limited company or a private limited company, and the names and addresses of Chairman and members of the Board of Directors and shareholders holding more than one per cent of the capital ... ...

(iii) If the owner is a Joint Stock Company and is managed by a managing agent: whether the managing agent is an individual, a firm or a joint stock company, and the particulars referred to in part (a) or items (i) & (ii) of part (b) as the case may be ... ...

(iv) If the proprietor is a trust, Co operative Society, Society or Association, names and addresses etc. of the Chairman and members of the Trust/Executive, etc. ... ...

(v) Any other form of ownership and details about the share of each owner ... ... ...

*Note.*—(i) All the relevant information should be furnished to disclose effective ownership of the newspaper.

(ii) Items not applicable should be scored out.

17. The known bond holders, debenture holders, mortagees and other security holders owning or holding one per cent or more of the total amount of bonds, mortgages or other securities.

*Note.*—In case where the stock holder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting should also be furnished.

I,....., hereby declare that the particulars given above are true to the best of my knowledge and belief.

Signature of publisher.....

*Register of Newspaper*

FROM III

[ *See rule 7 (1)* ]

| | | |
|---|---|---|
| 1. Declaration number under which the newspaper is published ... | | |
| 2. Registration number of the newspaper ... | | |
| 3. Title of the newspaper ... | | |
| 4. Language/Languages in which the newspaper is published ... | | |
| 5. (*a*) Periodicity of the publication of the newspaper... | | |
| (*b*) Day(s)/date(s) of publication (in the case of publications not published every day) ... | | |
| 6. Editor's Name ... | | |
| Nationality ... | | |
| Address... ... | | |
| 7. Printer's Name ... | | |
| Nationality ... | | |
| Address... ... | | |
| 8. Publisher's Name ... | | |
| Nationality ... | | |
| Address... ... | | |
| 9. (*a*) True and precise account of premises where the printing is conducted | | |
| (*b*) Place of publication ... | | |
| 10. (*a*) Average number of pages per week in respect of daily, bi-weekly, triweekly and weekly newspapers ... | | |
| (*b*) Average number of pages per issue in respect of other newspapers ... | | |
| 11. Total number of days of publication in the year ... | | |
| | 1<br>January to June | 2<br>July to Debember |
| 12. (*a*) Average number of copies printed ... | | |
| (*b*) Average number of copies sold ... | | |
| (*c*) Average number of copies distributed free ... | | |
| 13. Retail selling price per copy ... | | |
| 14. Names and address of individuals who own the newspaper and partners or shareholders holding more than one per cent of the total capital ... | | |

*Statement about ownership and other particulars about newspaper (_____) to be published in the first issue every year after the last day of February.*

FROM IV

[ *See* Rule 8 ]

1. Place of Publication ... ... ... ... ... _____
2. Periodicity of its publication ... ... ... ... _____
3. Printer's Name ... ... ... ... ... _____
   Nationality ... ... ... ... ... _____
   Address ... ... ... ... ... ... _____
4. Publisher's Name ... ... ... ... ... _____
   Nationality ... ... ... ... ... _____
   Address ... ... ... ... ... ... _____
5. Editor's Name ... ... ... ... ... _____
   Nationality ... ... ... ... ... _____
   Address ... ... ... ... ... ... _____
6. Names and address of individuals who own the newspaper and partners or shareholders holding more than one per cent of the total capital.

I, _____ hereby declare that the particulars given above are true to the best of my knowledge and belief.

Date _____

Signature of publisher _____

*Certificate of Registration*

FORM V

[ *See* Rule 10 ]

GOVERNMENT OF INDIA

OFFICE OF THE REGISTRAR OF NEWSPAPERS FOR INDIA

This is to certify that the Newspaper entitled has been registered under the Press and Registration of Books Act, 1867.

1. Title of the newspaper ... ... ... ... ... _____
2. Registration number of the newspaper ... ... ... ... _____
3. Language/Languages in which published ... ... ... ... _____
4. Periodicity of its publication and the day/days/ dates on which it is published _____
5. Retail price of the newspaper ... ... ... ... ... _____
6. Publisher's Name ... ... ... ... ... ... _____
   Nationality ... ... ... ... ... ... _____
   Address ... ... ... ... ... ... ... _____
7. Printer's Name ... ... ... ... ... ... _____
   Nationality ... ... ... ... ... ... _____
   Address ... ... ... ... ... ... ... _____
8. Editor's Name ... ... ... ... ... ... _____
   Nationality ... ... ... ... ... ... _____
   Address ... ... ... ... ... ... ... _____
9. True and precise account of the premises where the printing is conducted ... _____
10. Place of publication ... ... ... ... ... ... _____

Date_____

REGISTRAR OF NEWSPAPER FOR INDIA.

# THE PARLIAMENTARY PROCEEDINGS (PROTECTION OF PUBLICATION) ACT, 1956

( No. 24 of 1956 )

(Received the assent of the President on the 26th May, 1956)

*An Act to protect the publication of reports of proceedings of Parliament.*

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows :—

**1. Short title and extent**—(1) This act may be called the Parliamentary Proceedings (Protection of Publication) Act, 1956.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

**2. Definition**—In this act, "newspaper" means any printed periodical work containing public news or comments on public news, and includes a news-agency supplying material for publication in a newspaper.

**3. Publication of reports of Parliamentary proceedings privileged**—(1) Save as otherwise provided in sub-section (2), no person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report to any proceedings of either House of Parliament, unless the publication is proved to have been made with malice.

(2) Nothing in subsection (1) shall be construed as protecting the publication of any matter, the publication of which is not for the public good,

NOTES—The provisions of the Act are confined to reports of proceedings of either House of Parliament only and that States are left to enact, if they so think fit, similar laws concerning the publication of reports of proceedings of the State Legislatures.

The Act provides that no person shall be liable to any proceedings civil or criminal, in respect of the publication in a newspaper or by means of wireless telegraphy, of a substantially true report of any proceedings of either House of Parliament, unless the publication is proved to have been made with malice.

**4. Act also to apply to Parliamentary proceedings broadcast by wireless telegraphy**—This Act shall apply in relation to reports or matters broadcast by means of wireless telegraphy as part of any programme or service provided by means of a broadcasting station situate within the territories to which this Act extends as it applies in relation to reports or matters published in a newspaper.

LIBRARY
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BANARAS

# THE DELIVERY OF BOOKS "AND NEWSPAPERS"[1] (PUBLIC LIBRARIES) ACT, 1954

(No. 27 of 1954)

(Received the assent of the President on the 20th May, 1956)

*An Act to provide for delivery of books and newspapers to the National Library and other public libraries.*

Be it enacted by Parliament in the Fifth Year of the Republic of India as follows:—

**1. Short title and extent.**—(1) This Act may be called the Delivery of Books "and Newspapers"[2] (Public Libraries) Act, 1954.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

NOTES—The Act provides for the development of four public libraries in different parts of India to encourage scholarship and dissimination of knowledge. By the Delivery of Books (Public Libraries) Amendment Act 99 of 1956, newspapers have been brought within the perview of this Act. So like all books, newspapers are also to be delivered free to four libraries as mentioned by the Government.

**2. Definitions.**—In this act, unless the context otherwise requires,—

(*a*) "book" includes every volume, part or division of a volume, and pamphlet, in any language, and every sheet of music, map, chart or plan separately printed or lithographed, but does not include a newspaper published in conformity with the provisions of section 5 of the Press and Registration of Books Act, 1867 (XXV of 1867);

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1 The words 'and newspapers' inserted in the long title of the Delivery of Books (Public Libraries) Act 27 of 1954 by Section 2 of the Delivery of Books (Public Libraries) Amendment Act 99 of 1956.

2 'And Newspapers' inserted by the Section 3 of the Delivery of Books (Public Libraries) Amendment Act 99 of 1956.

(*aa*)[1] *'newespaper' means any printed periodical work containing public news or comments on public news published in conformity of with the provisions of sections 5 of the Press and Registration of Books Act, 1867.*

(*b*) "public libraries" means the National Library at Calcutta and any three other libraries which may be specified by the Central Government in this behalf by notification in the Official Gazette.

**3. Delivery of books to public libraries.**—(1) Subject to any rules that may be made under this Act, but without prejudice to the provisions contained in section 9 of the Press and Registration of Books Act, 1867 (XXV of 1867), the publisher of every book published in the territories to which this Act extends after the commencement of this Act shall, notwithstanding any agreement to the contrary, deliver at his own expense a copy of the book to the National Library at Calcutta and one such copy to each of the other three public libraries within thirty days from the date of its publication.[2]

(2) The copy delivered to the National Library shall be a copy of the whole book with all maps and illustrations belonging thereto finished and coloured in the same manner as the best copies of the same, and shall be bound, sewed or stitched together, and on the best paper on which any copy of the book is printed.

(3) The copy delivered to any other public library shall be on the paper on which the largest number of copies of the book is printed for sale, and shall be in the like condition as the books prepared for sale.

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1 Inserted by Section 4 of the Delivery of Books (Public Libraries) Amendment Act 99 of 1956.

2 The Government of India have announced the name of two libraries—Connemara Public Library, Madras and the Central Library, Bombay to which books are to be delivered. The 4th library's name is National Central Library, Delhi which is now in the process of formation and to which books are to be supplied after further announcement by the Government,

(3A)[1] **Delivery of newspapers to public libraries**—*Subject to any rules that may be made under this Act, but without prejudice to the provisions contained in the Press and Registration of Books Act 1867 the publisher of every newspaper, published in the territories to which this Act extends, shall deliver at his own expense one copy of each issue of such newspaper as soon as it is published to each such public library as may be notified in this behalf by the Central Government in the Official Gazette.*

(4) Nothing contained in sub-section (1) shall apply to any second or subsequent edition of a book in which edition no additions or alterations either in the letter-press or in the maps, book prints or other engravings belonging to the book have been made, and a copy of the first or some preceding edition of which book has been delivered under this Act.

**4. Receipt for books delivered**—The person in charge of a public library (whether called a librarian or by any other name) or any other person authorised by him in this behalf to whom a copy of a book is delivered under section 3 shall give to the publisher a receipt in writing therefor.

**5. Penalty**—Any publisher who contravenes any provision of this Act or any rule made thereunder shall be punishable with fine which may extend to fifty rupees * * * *and, if the contravention is in respect of a book, shall also be punishable with fine which shall be equivalent to the value of the book*[2] and the court trying the offence may direct that the whole or any part of the fine realised from him shall be paid, by way of compensation, to the public library to which the book *or newspaper as the case may be*[3] ought to have been delivered.

**6. Cognizance of offence**—(1) No court shall take cognizance of any offence punishable under this Act save on

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1 Inserted by the Section 5 of the Delivery of Books (Public Libraries) Amendment Act 99 of 1956.

2 Inserted by the Section 6(a) of the Delivery of Books (Public Libraries) Amendment Act 99 of 1956.

3 Inserted by the Section 6(b) of the Delivery of Books (Public Libraries) Amendment Act 99 of 1956.

complaint made by an officer empowered in this behalf by the Central Government by a general or special order.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

**7. Application of Act to books and newspapers published by Government.**—*This Act shall apply to books and newspapers published by or under the authority of the Government but shall not apply to books meant for official use only*[1]

**8. Power to make rules.**—The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

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1 Substituted by Section 7 of the Delivery of Books (Public Libraries) Amendment Act 99 of 1956.

# THE NEWSPAPER (PRICE AND PAGE) ACT, 1956

(No. 45 of 1956)

Received the assent of the President of India on 7th September, 1956.

*An Act to provide for the regulation of the prices charged for newspapers in relation to their pages and of matters connected therewith for the purpose of preventing unfair competition among newspapers so that newspapers may have fuller opportunities of freedom of expression.*

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

**1. Short title, extent and duration**—(1) This Act may be called the Newspaper (Price and Page) Act, 1956.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall cease to have effect on the expiration of a period of five years from its commencement except as respects things done or omitted to be done before the expiration thereof, and section 6 of the General Clauses Act, 1897, shall apply on the expiry of this Act as if it had then been repealed by a Central Act.

NOTES—The object of the Act would be clear from the *Statement of Objects and Reasons* of the Bill as published in the Gazette of India Extraordinary, July 31, 1956 - "The regulation of the prices of newspapers in relation to their seizes appeared to be a necessity to the Press Commission mainly in order to provide the circumstances in which freedom of opinion could be very much more real that it is today by eliminating unfair competition and equalising opportunities for newspapers specially with smaller resources. Accordingly, one of the major recommendations of the Press Commission was that legislation be enacted empowering Government to issue from time to time a price page schedule fixing a minimum price at which papers of a particular size can be sold. The Commission also recommended that in order to ensure that the reader gets an adequate proportion of news and views and that the advertisements are not reduced in effectiveness because these are too many of them, the total space allotted to advertisements in newspapers should be restricted to a specified proportion." The Act confers powers suitably for the purpose.

**2. Definitions**—In this Act, unless the context otherwise requires,

(*a*) "daily newspaper" means a newspaper which is published on not less than six days in a week, and includes any supplement or special edition of such newspaper.

(*b*) "newspaper" means any printed periodical work containing public news or comments on public news appearing at intervals of not more than a week.

NOTES—The scope of the Act is restricted to newspapers which appear at intervals of a week or less.

The Government has announced that for the present it was not proposed to cover other than dalies under the price page schedule.

**3. Power to regulate prices and pages of newspapers, etc**—(1) If the Central Government is of opinion that for the purpose of preventing unfair competition among newspapers so that newspapers generally and in particular, newspapers with smaller resources and those published in Indian languages may have fuller opportunities of freedom of expression, it is necessary or expedient so to do, the Central Government may from time to time, by notification in the Official Gazette, make an order providing for the regulation of the prices charged for newspapers in relation to their maximum or minimum number of pages, sizes or areas and for the space to be allotted for advertising matter in relation to other matters therein.

(2) An order under this section—

(*a*) may be made in relation to newspapers generally or in relation to any class of newspapers ;

(*b*) may contain different provisions for daily newspapers and newspapers appearing at other periodical intervals and for different classes of newspapers, and may, in particular, make separate provisions for weekly editions of daily newspapers whether appearing under the same title or not, and also for supplements or special editions of newspapers issued on special occasions;

(*c*) shall be made relatable to such period of time as the Central Government may deem reasonable;

(*d*) may provide for incidental or supplementary matters.

(3) An order under this section shall be made with due regard to the need for reasonable flexibility with reference to the fall of news, the flow of advertisements and other matters connected with the normal working of newspapers.

(4) Before making any order under this section, the Central Government shall consult associations of publishers, and such publishers likely to be affected by the order as it may think fit with respect to the action proposed to be taken.

NOTES—This Section empowers Government to issue a price page schedule from time to time by making an order providing for the regulation of the prices charged for newspapers in relation to their maximum or minimum number of pages, sizes or areas and for the space to be allotted for advertising matter in relation to other matters. It is enjoined that such order shall be made with due regard to the need for reasonable flexibility with reference to the fall of news, the flow of advertisements and other matters connected with the normal working of newspapers. The purpose of this regulation is to prevent unfair competition among newspapers so that newspapers with smaller resources and those published in Indian languages may have fuller opportunities for freedom of expression. Provision has been made for the schedule table drawn up in consulation with the interests concerned

**4. Prohibition of publication and sale of newspapers in contravention of order under section 3.**—No newspaper shall be published or sold in the territories to which this Act extends in contravention of any of the provisions of an order made under section 3.

**5. Returns to be furnished by newspapers**—For the purpose of verifying whether an order made under section 3 is being complied with or not, the Press Registrar appointed under the Press and Registration of Books Act, 1867, may, from time to time, direct the publisher of any newspaper to which such an order applies to furnish to him such weekly returns and

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statistics with respect to any of the particulars referred to in section 3 as the Press Registrar may, from time to time, require and the publisher of every newspaper shall comply with such direction.

**6. Penalties**—(1) If any newspaper is published or sold in contravention of section 4, the publisher of the newspaper shall, on first conviction, be punishable with fine which may extend to one thousand rupees and on any second or subsequent conviction, with fine which may extend to two thousand rupees.

(2) If the publisher of any newspaper—

(*a*) refuses or neglects to comply with any direction of the Press Registrar given under section 5; or

(*b*) furnishes or causes to be furnished to the Press Registrar any weekly returns or statistics which he has reason to believe to be false,

he shall be punishable with fine which may extend to five hundred rupees.

**7. Cognizance of offences**—No court shall take cognizance of any offence punishable under this Act except upon a complaint in writing by the Press Registrar appointed under the Press and Registration of Books Act, 1867, or by any officer authorised by him in writing in this behalf.

# THE WORKING JOURNALISTS (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS ACT, 1955

(Act 45 OF 1955)

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## ARRANGEMENT OF SECTIONS

SECTIONS


CHAPTER I

PRELIMINARY

1. Short title and extent.
2. Definitions.

CHAPTER II

WORKING JOURNALISTS

3. Act XIV of 1947 to apply to working journalists.
4. Special provisions in respect of certain cases of retrenchment.
5. Payment of gratuity.
6. Hours of work.
7. Leave.
8. Constitution of Wage Board.
9. Fixation of Wages.
10. Publication of decision of Board and its commencement.
11. Powers and procedure of Board.
12. Decision of Board to be binding on all employers.
13. Power of Government to fix interim rates of wages.

CHAPTER III

APPLICATION ON CERTAIN ACTS TO NEWSPAPER EMPLOYEES

14. Act. XX of 1946 to apply to newspaper establishments.
15. Act XIX of 1952 to apply to newspaper establishments.

CHAPTER IV

MISCELLANEOUS

16. Effect of laws and agreements inconsistent with this Act.
17. Recovery of money due from an employer.
18. Penalty.
19. Indemnity.
20. Power to make rules.
21. Repeal of Act I of 1955.

PRESENTED

# THE WORKING JOURNALISTS (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS ACT, 45 OF 1955

[*20th December*, 1955]

*An Act to regulate certain conditions of service of working journalists and other persons employed in newspaper establishments*

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

**1.** (*1*) **Short title and Commencement.**—This Act may be called the Working Journalists (Conditions of Service) and Miscellaneous Provisions Act, 1955

NOTES—This Act came into force on December 20, 1955. The most important provisions of the Act concern the appointment of Wage Boards, there compositions, powers, etc. In determining the rates of wages of working journalists, the Board is required to take into consideration the prevailing cost of living and wages in other comparable services for its guidance. Pending a decision by the Board, the Government has been empowered to fix interim rates of wages. An employer must give six months' notice to an editor and three months' notice to other working journalists in case of retrenchment. Gratuity has to be paid by the employer at the prescribed rates in case of death, retirement, resignation or termination of service. The Employee's Provident Funds Act, 1952 has been extended to all newspaper establishments employing 20 working journalists or more. The Act prescribes a maximum of 144 working hours during four consicutive weeks for a journalist. It also contains provisions for a weekly holiday, casual leave, earned leave and leave on medical grounds.

(2) It extends to the whole of India except the State of Jammu and Kashmir,

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(a) "Board" means the Wage Board constituted under section 8;

(b) "newspaper" means any printed periodical work containing public news or comments on public news and includes such other class of printed periodical work as may, from time to time, be notified in this behalf by the Central Government in the Official Gazette;

(*c*) "newspaper employee" means any working journalist, and includes any other person employed to do any work in, or in relation to, any newspaper establishment;

(*d*) "newspaper establishment" means an establishment under the control of any person or body of persons, whether incorporated or not, for the production or publication of one or more newspapers or for conducting any news agency or syndicate.

(*e*) "prescribed" means prescribed by rules made under this Act;

(*f*) "working journalist" means a person whose principal avocation is that of a journalist and who is employed as such in, or in relation to, any newspaper establishment, and includes an editor, a leader-writer, news editor, sub-editor, feature-writer, copy-taster, reporter, correspondent, cartoonist, news-photographer and proof-reader, but does not include any such person who—

(*i*) is employed mainly in a managerial or administrative capacity, or

(*ii*) being employed in a supervisory capacity, performs, either by the nature of the duties attached to his office or by reason of the powers vested in him, functions mainly of a managerial nature;

(*g*) all words and expressions used but not defined in this Act and defined in the Industrial Disputes Act, 1947, shall have the meanings respectively assigned to them in that Act.

## CHAPTER II

### WORKING JOURNALISTS

**3. Act XIV of 1947 to apply to working journalists.**—(1) The provisions of the Industrial Disputes Act, 1947, as in force for the time being, shall, subject to the modification specified in sub-section (2), apply to, or in relation to, working journalists as they apply to, or in relation to, workmen within the meaning of that Act.

(2) Section 25F of the aforesaid Act, in its application to working journalists, shall be construed as if in clause (*a*) thereof, for the period of notice referred to therein in relation to the retrenchment of a workman, the following periods of notice in relation to the retrenchment of a working journalist had been substituted, namely:—

(*a*) six months, in the case of an editor, and

(*b*) three months, in the case of any other working journalist.

NOTES—The Industrial Employment (Standing Orders) Act, 1946, has been extened to all newspaper establishments with 20 or more working journalists.

**4. Special provisions in respect of certain cases of retrenchment.**—Where at any time between the 14th day of July, 1954, and the 12th day of March, 1955, any working journalist had been retrenched, he shall be entitled to receive from the employer—

(*a*) wages for one month at the rate to which he was entitled immediately before his retrenchment, unless he had been given one month's notice in writing before such retrenchment; and

(*b*) compensation which shall be equivalent to fifteen days' average pay for every completed year of service under that employer or any part thereof in excess of six months.

**5. Payment of gratuity**—(*1*) Where—

(*a*) any working journalist has been in continuous service, whether before or after the commencement

of this Act, for not less than three years in any newspaper establishment, and—

(*i*) his services are terminated by the employer in relation to that newspaper establishment for any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, or

(*ii*) he retires from service on reaching the age of superannuation, or

(*iii*) he voluntarily resigns from service from that newspaper establishment, or

(*b*) any working journalist dies while he is in service in any newspaper establishment,

the working journalist or, as the case may be, his heirs shall, without prejudice to any benefits or rights accruing under the Industrial Disputes Act, 1947, be paid, on such termination, retirement, resignation or death, by the employer in relation to that establishment gratuity which shall be equivalent to fifteen days' average pay for every completed year of service or any part thereof in excess of six months.

(2) Notwithstanding anything contained in sub-section (*1*), where a working journalist is employed in any newspaper establishment wherein not more than six working journalists were employed on any day of the twelve months immediately preceding the commencement of this Act, the gratuity payable to a working journalist employed in any such newspaper establishment for any period of service before such commencement shall be equivalent to—

(*a*) three days' average pay for every completed year of service or any part thereof in excess of six months, if the period of such past service does not exceed five years;

(*b*) five days' average pay for every completed year of service or any part thereof in excess of six months, if the period of such past service exceeds five years but does not exceed ten years; and

(*c*) seven days' average pay for every completed year of service or any part thereof in excess of six months, if the period of such past service exceeds ten years.

**6. Hours of work**—(1) Subject to any rules that may be made under this Act, no working journalist shall be required or allowed to work in any newspaper establishment for more than one hundred and forty-four hours during any period of four consecutive weeks, exclusive of the time for meals.

(2) Every working journalist shall be allowed during any period of seven consecutive days rest for a period of not less than twenty-four consecutive hours, the period between 10 p.m. and 6 a.m. being included therein.

*Explanation*—For the purposes of this section, 'week' means a period of seven days beginning at mid-night on Saturday.

**7. Leave**—Without prejudice to such holidays, casual leave or other kinds of leave as may be prescribed, every working journalist shall be entitled to—

(*a*) earned leave on full wages for not less than one-eleventh of the period spent on duty;

(*b*) leave on medical certificate on one-half of the wages for not less than one-eighteenth of the period of service.

**8. Constitution of Wage Board**—(1) The Central Government may, by notification in the Official Gazette, constitute a Wage Board for fixing rates of wages in respect of working journalists in accordance with the provisions of this Act.

(2) The Board shall consist of an equal number of persons nominated by the Central Government to represent employers in relation to newspaper establishments and working journalists, and an independent person shall be appointed by the Central Government as the Chairman thereof.

**9. Fixation of wages**—(1) In fixing rates of wages in respect of working journalists, the Board shall have regard to the cost of living, the prevalent rates of wages for comparable

employments, the circumstances relating to the newspaper industry in different regions of the country, and to any other circumstances which to the Board may seem relevant.

(2) The Board may fix rates of wages for time work and for piece work.

(3) The decision of the Board fixing rates of wages shall be communicated as soon as practicable to the Central Government.

**10. Publication of decision of Board and its commencement.**—(1) The decision of the Board shall, within a period of one month from the date of its receipt by the Central Government, be published in such manner as the Central Government thinks fit,

(2) The decision of the Board published under sub-section (1) shall come into operation, with effect from such date as may be specified in the decision, and where no date is so specified, it shall come into operation on the date of its publication.

**11. Powers and procedure of Board.**—Subject to any rules of procedure which may be prescribed, the Board may, for the purpose of fixing rates of wages, exercise the same powers and follow the same procedure as an Industrial Tribunal constituted under the Industrial Disputes Act, 1947, exercises or follows for the purpose of adjudicating an industrial dispute referred to it.

**12. Decision of Board to be binding on all employers.**—The decision of the Board shall be binding on all employers in relation to newspaper establishments and every working journalist shall be entitled to be paid wages at a rate which shall, in no case, be less than the rate of wages fixed by the Board.

**13. Power of Government to fix interim rates of wages.**—(1) Notwithstanding anythnig contained in this Act, where the Central Government is of opinion that it is necessary so to do, it may, after consultation with the Board, by notification in the Official Gazette, fix interim rates of wages in respect of working journalists.

(2) Any interim rate of wages so fixed shall be binding on all employers in relation to newspaper establishments and every working journalist shall be entitled to be paid wages at a rate which shall, in no case, be less than the interim rate of wages fixed under sub-section (1).

(3) Any interim rates of wages fixed under sub section (1) shall remain in force until the decision of the Board comes into operation under sub-section (2) of section 10.

## CHAPTER III

### Application of certain Acts to newspaper employees

**14. Act XX of 1946 to apply to newspaper establishments.**— The provisions of the Industrial Employment (Standing Orders) Act, 1946, as in force for the time being, shall apply to every newspaper establishment wherein twenty or more newspaper employees are employed or were employed on any day of the preceding twelve months as if such newspaper establishment were an industrial establishment to which the aforesaid Act has been applied by a notification under sub-section (3) of section I thereof, and as if a newspaper employee were a workman within the meaning of that Act.

**15. Act XIX of 1952 to apply newspaper establishments.**— The Employees' Provident Funds Act, 1952, as in force for the time being, shall apply to every newspaper establishment in which twenty or more persons are employed on any day, as if such newspaper establishment were a factory to which the aforesaid Act had been applied by a notification of the Central Government under sub-section (3) of section I thereof, and as if a newspaper employee were an employee within the meaning of that Act.

## CHAPTFR IV

### Miscellaneous

**16. Effect of laws and agreements inconsistent with this Act.**—(1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract

of service, whether made before or after the commencement of this Act:

Provided that where under any such award, agreement, contract of service or otherwise, a newspaper employee is entitled to benefits respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the newspaper employee shall continue to be entitled to the more favourable benefits in respect of other matter, notwithstanding that he receives benefits in respect of other matters under this Act.

(2) Nothing contained in this Act shall be construed to preclude any newspaper employee from entering into an agreement with an employer for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Act.

**17. Recovery of money due from an employer.**—Where any money is due to a newspaper employee from an employer under any of the provisions of this Act, whether by way of compensation, gratuity or wages, the newspaper employee may, without prejudice to any other mode of recovery, make an application to the State Government for the recovery of the money due to him, and if the State Government or such authority as the State Government may specify in this behalf is satisfied that any money is so due, it shall issue a certificate for that amount to the collector and the collector shall proceed to recover that amount in the same manner as an arrear of land revenue.

NOTES—Under this section, money due to an employee is recoverable from the employer in the same manner as arrears of land revenue.

**18. Penalty.**—(1) If any employer contravenes the provisions of section 6, he shall be punishable with fine which may extend to two hundred rupees.

(2) No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this section.

(3) No court shall take cognizance of an offence under this section, unless the complaint thereof is made within six

months of the date on which the offence is alleged to have been committed.

**19. Indemnity.**—No suit, prosecution or other legal proceeding shall lie against the Chairman or any other member of the Board for any thing which is in good faith done or intended to be done.

**20. Power to make rules.**—(*1*) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) payment of gratuity to working journalists;

(*b*) hours of work of working journalists;

(*c*) holidays, earned leave, leave on medical certificate, casual leave or any other kind of leave admissible to working journalists;

(*d*) the procedure to be followed by the Board in fixing rates of wages;

(*e*) the manner in which the decision of the Board may be published;

(*f*) any other matter which has to be, or may be, prescribed.

(*3*) All rules made under this section shall, as soon as practicable after they are made, be laid before both Houses of Parliament.

**21. Repeal of Act 1 of 1955.**—The Working Journalists (Industrial Disputes) Act, 1955, is hereby repealed.

# WORKING JOURNALISTS (CONDITIONS OF SERVICE) AND MISCELLANEOUS PROVISIONS ACT RULES

## *Summary of Rules*

In exercise of the powers conferred by Section 20 of the Working Journalists (Condition of Service) and Miscellaneous Provisions Act, 1955, the Government of India have framed rules, which have been published in the Gazette of India Extraordinary dated 27-5-57.

The rules. which may be called the Working Journalists (Conditions of Service) and Miscellaneous Provisions Rules, 1957, are as follows:

*Gratuity*: Gratuity shall be paid to a working journalist or, if he is dead, to his heirs as soon as possible after it becomes due and in any case not later than three months.

On the death of a working journalist (a) if a nomination made by him in accordance with the relevant rule subsists, the gratuity shall be paid to his nominee or nominees in accordance with such nomination and (b) if no nomination subsists or if that nomination relates only to a part of the gratuity the amount of the gratuity or the part thereof to which the nomination does not relate, as the case may be, shall be paid to his heirs.

(1) A working journalist shall as soon as he completes three years of continuous service or, in the case of those who have completed three years of continuous service at the commencement of the Act as soon as may be after these rules come into force, make a nomination in the prescribed form conferring the right to receive any gratuity payable under the Act in the event of his death before the amount has become payable or, where the amount has become payable, before the payment has been made.

(2) A working journalist may, in his nomination, distribute the amount that may become due to him among, his nominees at his own discretion.

(3) If a working journalist has a family at the time of making a nomination the nomination shall be in favour of one or more persons belonging to his family. Any nomination made by such working journalist infavour of a person not belonging to his family shall be invated.

(4) If at the time of making a nomination a working journalist has no family the nomination may be in favour of any person or persons but if he subsequently acquires a family such nomination shrll forthwith be deemed to be invalid and the working journalist shall make a fresh nomination in favour of one or more persons belonging to his family.

*Hours of work*: The rules relating to hours of work for working journalists have been modified since the draft rules were published. While the draft rules had said the provisions of the chapter relating to hours of work are not to apply to an Editor or to such other working journalist "who does not normally work within the premises of a newspaper establishment", the rules, as now published, contain an elaborate formula permitting certain intervals between assignments. The rules also envisage the possibility of agreement in the matter between the management and the working journalists individually or collectively.

The rules relating to hours of work provide among other things:

1. The provisions of this chapter shall not apply to Editors or to Correspondents, Reporters or News Photographers.

2. Notwithstanding anything contained in sub-rule 1, the following provisions shall apply to every Correspondent, Reporter or News Photographer stationed at the place at which the newspaper (in relation to which any such person is employed) is published, namely:

(A) Subject to such agreement as may be arrived at either collectively or individually between the parties concerned, every such Correspondent, Reporter or News Photographer shall, once he enters upon duty on any day, be deemed to be on duty throughout that day till he finishes all the work assigned to him during that day.

Provided that if such Correspondent. Reporter or News Photographer has had at his disposal for rest any interval or intervals for a total period of two hours or less between any two or more assignments of work, he shall not be deemed to be on duty during such period:

Provided further that where the total period of such interval or intervals exceeds to hours, he shall be deemed to be on duty during the period which is in excess of the said period of two hours:

(B) Any period of work in excess of 36 hours during any week (which shall be considered as a unit of work for the purposes of this sub-rule) shall be given in one or more spells of not less than three hours each.

Provided that where the aggregate of the excess hours worked falls short of three hours, the duration of rest shall be limited only to such excess.

The number of hours which will constitute a "normal working day" for a working journalist is six hours during a day shift and five and a half hours during a night shift, exclusive of the time for meals.

Maternity leave on full wages for women journalists may extend up to three months from the date of its commencement or six weeks from

the date of confinement, whichever is earlier. Maternity leave will also be granted in cases of miscarriage, including abortion, subject to the condition that the leave does not exceed six weeks.

Under the rules, a working journalist is entitled to ten holidays in a calendar year. Accumulation of earned leave—one month for every eleven months spent on duty—is allowed upto a period of 90 days.

If in respect or any matter a journalist enjoys better terms than those prescribed under these rules, he will continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under these rules."

The State Governments will appoint one or more Inspectors to ensure compliance with not only the provisions of the rules but also the decisions of the Wage Board for Working Journalists.

# THE PRIZE COMPETITIONS ACT, 1955

Act. 42 of 1955

Arrangement of Sections

Sections


1. Short title, extent and commencement.
2. Definitions.
3. Interpretation.
4. Prohibition of prize competitions where the prize offered exceeds one thousand rupees a month.
5. Licensing of prize competitions where the prize offered does not exceed one thousand rupees a month.
6. Licences for prize competitions.
7. Promoters of prize competitions to keep accounts and submit the same to the licensimg authority.
8. Power to cancel or suspend licences.
9. Penalty for promoting or conducting any prize competition in contravention of the provisions of sections 4 and 5.
10. Penalty for failure to keep and submit accounts.
11. Penalty for other offences in connection with prize competitions.
12. Offences by Corporations.
13. Power of licensing authority to call for and inspect accounts and documents.
14. Power of entry and search.
15. Forfeiture of newspapers and publications containing prize competitions.
16. Appeals.
17. Licensing authority and other officers to be public servants.
18. Jurisdiction to try offences.
19. Protection of action taken under this Act.
20. Power to make rules.

# THE PRIZE COMPETITIONS ACT, 1955

(Act. 42 of 1955)

Received the assent of the Preident of India on 22nd October, 1955,

*An Act to provide for the control and regulation of prize competitions*

Whereas it is expedient to provide for the control and regulation of prize competitions;

And whereas the Legislatures of the States of Andhra, Bombay, Madras, Orissa, Uttar Pradesh, Hyderabad, Madhya Bharat, Patiala and East Punjab States Union and Saurashtra have passed resolutions in terms of clause (1) of article 252 of the Constitution in relation to the above-mentioned matter and ancillary thereto in so far as such matters are matters enumerated in List II in the Seventh Schedule to the Constitution;

Be it enacted by Parliament in the Sixth Year of the Republic of India as follows:—

**1. Short title, extent and commencement.**—(1) Act may be called the Prize Competitions Act, 1955.

(2) It extends to the States of Andhra, Bombay, Madras, Orissa, Uttar Pradesh, Hyderabad, Madhya Bharat, Patiala and East Punjab States Union and Saurashtra and all Part C States.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

NOTES—The Act came into force on April 1, 1956. It prohibits, advertisement of a prize competition except as provided, and sale, distribution, etc. of tickets and offering of any inducements calculated to encourage people to participate in such prize competitions. The State Governments have been empowered to forfeit copies of newspapers carrying any advertisement of a prize competition organised in contravention of the provisions of this Act.

The value of a prize competition has been restricted to Rs. 1,000 a month and that of the entries of Rs. 2,000 per month. It is obligatory

for an organiser to obtain a licence for a prize competition in advance. He is also required to keep an account for the competitions organised by him and to submit it to the licensing authority in a prescribed form.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) 'licensing authority' means any officer or authority appointed by the State Govenment, by notification in the Official Gazette, for the purpose of granting licences under this Act;

(*b*) 'money' includes a cheque, postal order or money-order.

(*c*) 'prescribed' means prescribed by rules made under this Act;

(*d*) 'prize competition' means any competition (whether called a cross-word prize competition, a missing-word prize competition. a picture prize competition or by any other name) in which prizes are offered for the solution of any puzzle based upon the building up, arrangement, combination or permutation, of letters, words or figures.

**3. Interpretation**—For the purposes of this Act,—

(*a*) references to printing shall be construed as including references to writing and other modes of representing or reproducing letters, words or figures in a visible form; and

(*b*) documents or other matters shall be deemed to be distributed if they are distributed to persons or places within or outside the territories to which this Act extends and the word 'distribution' shall be construed accordingly.

**4. Prohibition of prize competitions where the prize offered exceeds one thousand rupees a month.**—No person shall promote or conduct any prize competition or competitions in which the total value of the prize or prizes (whether in cash or otherwise) to be offered in any month exceeds one thousand rupees ; and in every prize competition, the number of entries shall not exceed two thousand.

**5. Licensing of prize competitions where the prize offered does not exceed one thousand rupees a month**—Subject to the provisions of section 4, no person shall promote or conduct any prize competition or competitions in which the total value of the prize or prizes (whether in cash or otherwise) to be offered in any month does not exceed one thousand rupees unless he has obtained in this behalf a licence granted in accordance with the provisions of this Act and the rules made thereunder.

**6. Licences for prize competitions.**—(1) Every person desiring to obtain a licence referred to in section 5 shall make an application in writing to the licensing authority in such form and manner as may be prescribed.

(2) On the receipt of such application, the licensing authority, after making such inquiry as it considers necessary, shall, by order in writing, either grant the licence or refuse to grant the licence.

(3) Where the licensing authority refuses to grant a licence it shall record a brief statement of the reasons for such refusal and furnish a copy thereof to the applicant.

(4) The fees on payment of which, the period for which, the conditions subject to which, and the form in which, a licence may be granted shall be such as may be prescribed.

**7. Promoters of prize compititions to keep accounts and submit the same to the licensing authority.**—Every person who promotes or conducts a prize competition in accordance with the provisions of his Act and the rules made there-under shall keep accounts relating to such competition and submit to the licensing authority a statement of accounts in such form and at such intervals as may be prescribed.

**8.** (1) **Power to cancel or suspend licenccs.**—The licensing authority may, after giving the holder of any licence under this Act a reasonable opportunity of being heard, cancel or suspend the licence on any one or more of of the following grounds, namely :—

(*a*) that there has been a breach of any of the conditions subject to which the licence was granted ;

(*b*) that the holder of the licence has contravened any of the provisions of section 7.

(2) Whenever a licence is cancelled or suspended the licensing authority shall record a brief statement of the reasons for such cancellation or suspension and furnish a copy thereof to the person whose licence has been cancelled or suspended.

**9. Penalty for promoting or conducting any prize competition in contravention of the provisions of sections 4 and 5.**—If any person promotes or conducts any prize competition in contravention of the provisions of section 4 or section 5, he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to one thousand rupees, or with both.

**10. Penalty for failure to keep and submit accounts.**—If any person liable under section 7 to keep accounts or to submit statements of accounts fails to keep accounts or to submit statements of accounts as required by that section or keeps accounts or submits statements of accounts which are false and which he either knows or believes to be false or does not believe to be true, he shall be punishable with imprisonment for term which may extend to one month, or with fine which may extend to five hundred rupees, or with both, but nothing contained in this section shall affect the provisions contained in section 8.

**11. Penalty for other offences in connection with prize competitions.**—If any person with a view to the promotion or conduct of any prize competition except in accordance with the provisions of a licence under this Act or in contravention of the provisions of this Act or in connection with any prize competition promoted or conducted except in accordance with such provisions—

(*a*) prints or publishes any ticket, coupon or other document for use in the prize competition ; or

(*b*) sells or distributes or offers or advertises for sale or distribution, or has in his possession for the purpose of sale or distribution any ticket, coupon or other document for use in the prize competition ; or

(*c*) prints, publishes or distributes, or has in his possession for the purpose of publication or distribution.—

(*i*) any advertisement of the prize competition, or

(*ii*) any list (whether complete or not) of prize winners in the prize competition, or

(*iii*) any such matter descriptive of, or otherwise relating to, the prize competition as is calculated of act as an inducement to persons to participate in that prize competition or any other prize competition ; or

(*d*) brings, or invites any person to send, into the territories to which this Act extends, for the purpose of sale or distribution, any ticket, coupon or other document for use in, or any advertisement of, the prize competition ; or

(*e*) sends, or attempts to send, out of the territories to which this Act extends any money or valuable thing received in respect of the sale or distribution of any ticket, coupon or other document for use in the prize competition ; or

(*f*) uses any premises, or causes or knowingly permits any premises to be used, for purposes connected with the promotion or conduct of the prize competition ; or

(*g*) causes or procures or attempts to procure any person to do any of the above-mentioned acts,

he shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

**12 Offences by Corporations.**—(1) If any person guilty of an offence under this Act is a company, every person who, at the time the offence was committed, was in charge of, and was responsible to, the company, as well as the company, shall be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without

his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent or connivance of, or is attributable to gross neglect on the part of, any director, manager, secretary or other officer of the campany, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(*a*) 'company' means a body corporate and includes a firm or other association of individuals; and

(*b*) 'director' in relation to a firm means a partner in the firm.

**13. Power of licensing authority to call for and inspect accounts and documents.**—The licensing authority may—

(*a*) require any person promoting or conducting a prize competition to produce before it the accounts and other documents kept by such person or to furnish to it such other information relating to the prize competition as it may require;

(*b*) inspect at all reasonable times the accounts and other documents kept by such person.

**14. Power of entry and search.**—(1) It shall be lawful for any police officer not below the rank of sub-inspector authorised by the State Government in this behalf by general or special order in writing,—

(*a*) to enter, if necessary by force, whether by day or night, with such assistants as he considers necessary any premises which he has reason to suspect are being used for purposes connected with the promotion or conduct of any prize competition in contravention of the provisions of this Act;

(*b*) to search the premises and the persons whom he may find therein;

(*c*) to take into custody and produce before a magistrate all such persons as are concerned or against whom

a reasonable complaint has been made or credible information has been received or a reasonable suspicion exists of their having been concerned with the user of such premises for purposes connected with, or with the promotion or conduct of, any prize competition in contravention of the provisions of this Act; and

(*d*) to seize all things found therein which are intended to be used or reasonably suspected to have been used in connection with such prize competition.

(2) All searches under this section shall be made in accordance with the provisions of the Code of Criminal Procedure, 1898.

**15. Forfeiture of newspapers and publications containing prize competitions.**—Where any newspaper or other publication contains any prize competition promoted or conducted in contravention of the provisions of this Act or except in accordance with the provisions of a licence under this Act or any advertisement in relation thereto, the State Government may, by notification in the Official Gazette, declare every copy of the newspaper and every copy of the publication containing the prize competition or the advertisement, to be forfeited to Government.

**16. Appeals.**—Any person aggrieved by the decision of the licensing authority refusing to grant a licence or cancelling or suspending a licence may, within such time as may be prescribed, prefer an appeal to the State Government and the decision of the State Government on such appeal shall be final.

**17. Licensing authority and other officers to be public servants.**—The licensing authority and any other officer acting under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

**18. Jurisdiction to try Offences.**—No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence under this Act.

**19. Protection of action taken under this Act.**—No suit, prosecution or other legal proceeding shall lie against the licensing authority or any other officer of the Government for anything which is in good faith done or intended to be done under this Act or the rules made thereunder.

**20. Power to make rules.**—(1) The State Government may by notification in the Official Gazette, and subject to the condition of previous publication, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to ths generality of the foregoing power, such rules may provide for all or any of the following matters, namely :—

(*a*) the form and manner of application for a licence and the fees, if any, for such licence;

(*b*) the period for which, the conditions subject to which and the form in which, a licence may be granted;

(*c*) the form in which and the intervals at which statements of accounts shall be submitted to the licensing authority;

(*d*) the time within which an appeal against a decision of the licensing authority may be preferred to the State Government;

(*e*) any other matter which is to be or may be prescribed.

# THE DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS) ACT, 1954

(21 OF 1954)

Received the assent of the President of India on
[*30th April, 1954*]

*An Act to control the advertisement of drugs in certain cases, to prohibit the advertisement for certain purposes of remedies alleged to possess magic qualities and to provide for matters connected therewith.*

Be it enacted by Parliament as follows:—

**1. Short title, extent and commencement.**—(1) This Act may be called the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954.

(2) It extends to the whole of India except the State of Jammu and Kashmir, and applies also to persons domiciled in the territories to which this Act extends who are outside the said territories.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Definitions.**—In this Act, unless the context otherwise requires,—

(*a*) 'advertisement' includes any notice, circular, label, wrapper, or other document, and any announcement made orally or by any means of producing or transmitting light, sound or smoke;

(*b*) 'drug' includes—

(*i*) a medicine for the internal or external use of human beings or animals;

(*ii*) any substance intended to be used for or in the diagnosis, cure, mitigation, treatment or prevention of disease in human beings or animals;

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(*iii*) any article, other than food, intended to affect or influence in any way the structure or any organic function of the body of human beings or animals;

(*iv*) any article intended for use as a component of any medicine, substance or article, referred to in sub-clauses (*i*), (*ii*) and (*iii*);

(*c*) 'magic remedy' includes a talisman, *mantra*, *kavacha*, and any other charm of any kind which is alleged to possess miraculous powers for or in the diagnosis, cure, mitigation, treatment or prevention of any disease in human beings or animals or for affecting or influencing in any way the structure or any organic function of the body of human beings or animals;

(*d*) 'taking any part in the publication of any advertisement' includes—

(*i*) the printing of the advertisement,

(*ii*) the publication of any advertisement outside the territories to which this Act extends by or at the instance of a person residing within the said territories;

(*e*) 'venereal disease' includes syphilis, gonorrhoea, soft chancre, venereal granuloma and lympho granuloma.

**3. Prohibition of advertisement of certain drugs for treatment of certain diseases and disorders.**—Subject to the provisions of this Act, no person shall take any part in the publication of any advertisement referring to any drug in terms which suggest or are calculated to lead to the use of that drug for—

(*a*) the procurement of miscarriage in women or prevention of conception in women; or

(*b*) the maintenance or improvement of the capacity of human beings for sexual pleasure; or

(*c*) the correction of menstrual disorder in women; or

(*d*) the diagnosis, cure, mitigation, treatment or prevention of any venereal disease or any other disease or

condition which may be specified in rules made under this Act.

**4. Prohibition of misleading advertisements relating to drugs.**—Subject to the provisions of this Act, no person shall take any part in the publication of any advertisement relating to a drug if the advertisement contains any matter which—

(*a*) directly or indirectly gives a false impression regarding true character of the drug; or

(*b*) makes a false claim for the drug; or

(*c*) is otherwise false or misleading in any material particular.

**5. Prohibition of advertisement of magic remedies for treatment of certain diseases and disorders.**—No person carrying on or purporting to carry on the profession of administering magic remedies shall take any part in the publication of any advertisement referring to any magic remedy which directly claims to be efficacious for any the purposes specified in section 3.

**6. Prohibition of import into, and export from India of certain advertisements.**—No person shall import into, or export from, the territories to which this Act extends any document containing an advertisement of the nature referred to in section 3, section 4, or section 5, and any documents containing any such advertisements shall be deemed to be goods of which the import or export has been prohibited under section 19 of the Sea Customs Act, 1878 (VIII of 1878) and all the provisions of that Act shall have effect accordingly, except that section 183 thereof shall have effect as if for the word 'shall' therein the word 'may' were substituted.

**7. Penalty.**—Whoever contravenes any of the provisions of this Act shall, on conviction, be punishable—

(*a*) in the case of a first conviction, with imprisonment which may extend to six months, or with fine, or with both.

(*b*) in the case of subsequent conviction, with imprisonment which may extend to one year, or with fine. or with both.

**8. Confiscation of documents, etc., containing advertisements prohibited by this Act.**—Any person authorised by the State Government in this behalf may, at any time, seize and detain any document, article or thing which such person has reason to believe contains any advertisement which contravenes any of the provisions of this Act and the court trying such contravention may direct that such document (including all copies thereof), article or thing shall be forefeited to the Government.

**9. Offences by companies.**—(*1*) If the person contravening any of the provisions of this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company as well as the company shall be deemed to be guilty of the contravention and shall be liable to be proceeded againt and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence was committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or othe officer of the company shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(*a*) 'company' means any body corporate and includes a firm or other association of individuals, and

(*b*) 'director' in relation to a firm means a partner in the firm.

**10. Jurisdiction to try offences.**—No court inferior to that of a presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act.

**11. Officers to be deemed to be public servants.**—Every perons authorised under section 8 shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (Act XLV of 1860),

**12. Indemnity.**—No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

**13. Other laws not affected.**—The provisions of this Act are in addition to, and not in derogation of the provisions of any other law for the time being in force.

**14. Savings.**—(1) Nothing in this Act shall apply to—

(*a*) any sign board or notice displayed by a registered medical practitioner on his premises indicating that treatment for any of the diseases or disorders specified in section 3 is undertaken in those premises; or

(*b*) any treatise or book dealing with any of the matters specified in section 3 from a *bone fide* scientific or social standpoint ; or

(*c*) any advertisement relating ta any drug sent confidentially in the prescribed manner only to a registered medical practitioner or to a wholesale or retail chemist for distribuiion among registered medical practitioners or to a hospital or laboratory ; or

(*d*) any advertisement relating to a drug printed or published by the Government, or, with the previous sanction of the Government, by any other person; or

(*e*) any advertisment, label or set of instructions which is permitted under the Drugs Act, 1940 (XXIII of 1940), or any rules made thereunder.

(2) In this section,—

(*a*) 'Registered medical practitioner' means any person,—

(*i*) who holds a qualification granted by any authority specified in, or notified under, section 3 of the Indian Medical Degrees Act, 1916 (VII of

1916) or by an authority specified in any of the Schedules to the Indian Medical Council Act, 1933 (XXVI of 1933); or

(*ii*) who is entitled to be registered as a medical practitioner under any law for the time being in force in any State to which this Act extends relating to the registration of medical practitioners ;

(*b*) 'hospital' includes a clinic, dispensary or other institution for the reception of the sick, whether as in-patients or out patients.

**15. Power to exempt from application of Act.**—If in the opinion of the Central Government public interest requires that the advertisement of any specified drug or class of drugs should be permitted. it may, by notification in the Official Gazette, direct that the provisions of sections 3, 4, 5, and 6 or any one of such provisions shall not apply or shall apply subject to such conditions as may be specified in the notification to or in relation to the advertisement of any such drug or class of drugs.

**16. Power to make rules.**—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may—

(*a*) specify any disease or condition to which the provisions of section 3 shall apply;

(*b*) prescribe the manner in which advertisements of articles or things referred to in clause (*c*) of subsection (1) of section 14 may be sent confidentially.

# RULES UNDER DRUGS AND MAGIC REMEDIES (OBJECTIONABLE ADVERTISEMENTS) ACT 1954

*(Notification published on the 26th February 1955 by the Ministry of Health).*

*S.R.O. 512.*—In exercise of the powers conferred by section 16 of the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (21 of 1954), the Central Government hereby makes the following rules, namely—

1. *Short title and Commencement*—

2. These rules may be called the Drugs and Magic Remedies (objectionable Advertisements) Rules, 1955

(2) They shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

2. *Definitions.*—In these rules, unless the context otherwise requires—

(1) "the Act" means the Drugs and Magic Remedies (Objectionable Advertisements) Act, 1954 (21 of 1954); and

(2) "section" means a section of the Act.

3. *Provisions of section 3 to apply to other diseases and conditions.*—The provisions of section 3 shall apply to the publication of all or any advertisements relating to drugs in terms which suggest or are calculated to lead to the use of such drugs for the diagnosis, cure, mitigation, treatment or prevention of the diseases or conditions specified in the Schedule hereto annexed as they apply to any advertisements relating to drugs for the treatment of the diseases and disorders mentioned in that section.

4. *Scrutiny of misleading advertisements relating to drugs.*—Where any person authorised by the State Government under section 8 is satisfied that an advertisement relating to a drug contravenes the provisions of section 4, he may, by order, require the manufacturer, packer, distributor or seller of the drug to furnish, within such time as may be specified in the order or such further time as may be allowed in this behalf by the person so authorised, information regarding the composition of the drug or the ingredients thereof or any other information tn regard to that drug as he deems necessary for holding the scrutiny of the advertisement, and where any such order is made, it shall be the duty of the manufacturer, packer, distributor or seller of the drug to which the advertisement relates to comply with the order. Any failure to comply with such order shall, for the purposes of section 7, be deemed to be a contravention of the provision of section 4:

Provided that no publisher or advertising agency of any medium for the dissemination of an advertisement relating to a drug shall be deemed to have made any such contravention merely by reason of the dissemination by him or it of any such advertisement, unless such publisher or advertising agency has failed to comply with any direction made by the authorised person in this behalf calling upon him or it to furnish the name and address of the manufacturer, packer, distributor, seller of advertising agency, as the case may be, who or which caused such advertisement to be disseminated.

5. *Procedure to be followed in prohibiting import into, and export from, India of certain advertisements.*—(1) If the Customs Collector has reasons to believe that any consignment contains documents of the nature referred to in section 6, he may, and, if requested by an officer appointed for the purpose by the Central Government, shall, detain the consignment and dispose it of in accordance with the provisions of the Sea Customs Act, 1878 (VIII of 1878), and the rules made thereunder, and shall also inform the importer or exporter of the order so passed:

Provided that if the importer or exporter feels aggrieved by an order passed by the Customs Collector under this sub-rule and makes a representation to him within one week of the date of receipt of the order and gives an undertaking in writing not to dispose of the consignment without the consent of the Customs Collector and to return the consignment when so required to do by the Customs Collector, the Customs Collector shall pass an order making over the consignment to the importer or exporter, as the case may be:

Provided further that before passing any order under this sub-rule or under the first proviso thereto, the Customs Collector shall consult the officer appointed for the purpose by the Central Government.

(2) If the importer or exporter who has given an undertaking under the first proviso to sub-rule (1) is required by the Customs Collector to return the consignment or any portion thereof, he shall return the consignment or portion thereof within ten days of receipt of the notice.

6. *Manner in which advertisements may be sent confidentially.*—All documents containing advertisements relating to drugs, referred to in clause (c) of sub-section (1) of section 14, shall be sent by post to a registered medical practitioner or to a wholesale or retail chemist. Such documents shall bear at the top, printed in indelible ink in a conspicuous manner, the words "For the use only of registered medical practitioners or a hospital or a laboratory."

7. *Procedure to be followed in obtaining previous sanction of the Government for publishing an advertisement.*—Any person intending to obtain the previous sanction of the Government to publish any advertisements under clause (d) of sub-section (1) of section 14 shall make an application to such officer as may be authorised by the Cen-

tral Government or the State Government, as the case may be, in this behalf, and every such application shall mention the registered name special reasons justifying the sanction of the Government and shall and the trade mark of the drug, its detailed composition and any be submitted by the officer aforesaid to the Central Government, or as the case may be, to the State Government for sanction.

THE SCHEDULE

(*See* rule 3)

1. Blindness.
2. Blood pressure, hypertension or hypotension.
3. Breasts—diseases of the.
4. Bright's disease.
5. Cancer.
6. Cataract.
7. Delayed Menstruation.
8. Diabetes.
9. Epilepsy.
10. Eyes (any structural or organic defect of the optical system).
11. Female bust—alteration in the structure of.
12. Female diseases (in general).
13. Fits.
14. Gastric and Duodenal ulcers.
15. Glaucoma.
16. Heart diseases.
17. Height or tallness—increase of.
18. Hydrocele.
19. Insanity.
20. Leprosy.
21. Lockjaw.
22. Lupus.
23. Obesity.
24. Paralysis.
25. Poliomyelitis.
26. Rheumatism (chronic or persistent).
27. Sexual impotence.
28. Sterility.
29. Trachoma.
30. Tuberculosis.
31. Tumours.
32. Uterus, functions and disorders of (Amenorrhoea, Menorrhagia, Leucorrhoea etc.).

# THE YOUNG PERSONS (HARMFUL PUBLICATIONS) ACT, 1956

(Act 93 of 1956)

Received the assent of the President on *28th December*, 1956

*An Act to prevent the dissemination of certain publications harmful to young persons*

Be it enacted by Parliament in the Seventh Year of the Republic of India as follows:—

1. **Short title, extent and commencement.**—(1) This Act may be called the Young Persons (Harmful Publications) Act, 1956.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

OBJECTS AND REASONS—The dissemination of pictorial and other publications containing stories of glorification of crime, violence and vice is likely to encourage anti-social tendencies among children and exert a harmful influence or young persons. The Act seeks to prohibit the production in India of such literature or any variant and its circulation within India.

2. **Definitions.**—In this Act.—

(*a*) "harmful publication" means any book, magazine, pamphlet, leaflet, newspaper or other like publication which consists of stories told with the aid of pictures or without the aid of pictures or wholly in pictures, being stories portraying wholly or mainly—

(*i*) the commission of offences ; or

(*ii*) acts of violence or cruelty ; or

(*iii*) incidents of a repulsive or horrible nature ;

in such a way that the publication as a whole would tend to corrupt a young person into whose hands it

might fall, whether by inciting or encouraging him to commit offences or acts of violence or cruelty or in any other manner whatsoever ;

(*b*) "State Government" in relation to a Union territory, means the administrator thereof;

(*c*) "young person" means a person under the age of twenty years.

HARMFUL PUBLICATION—is defined as a publication which consists of stories portraying the commission of offences; or acts of violence or cruelty; or incidents of a repulsive or horrible nature in such a way that the publication as a whole would tend to corrupt a young person (i.e. a person under the age of 20) into whose hands it might fall.

**3. Penalty for sale, etc., of harmful publications**—(1) If a person—

(*a*) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, any harmful publication, or

(*b*) for purposes of sale, hire, distribution, public exhibition or circulation, prints, makes or produces or has in his possession any harmful publication, or

(*c*) advertises or makes known by any means whatsoever that any harmful publication can be procured from or through any person,

He shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

(2) On a conviction under this section, the court may order the destruction of all the copies of the harmful publication in respect of which the conviction was had and which are in the custody of the court or remain in the possession or power of the person convicted.

NOTES—This section provides a penalty of imprisonment up to 6 months and or fine for sale, distibution, possession, etc of hamful publications and empowers the Court to order the destrnction of all the copies of the harmful publication in respect of which the conviction was had.

**4. Power of Government to declare harmful publications forfeited**—(1) The State Government may, if it is of opinion after consultation with the principal law officer of the State, whether called the Advocate-General or by any other name, that any publication is a harmful publication, declare, by order notified in the Official Gazette, that every copy of such publication shall be forfeited to the Government and every such notification shall state the ground for the order.

(2) Without prejudice to the provisions contained in sub-section (1) of section 6, where there is an order of foreiture under sub-section (1) in respect of any publication it shall be lawful for any police officer to seize the same wherever found in the territories to which this Act extends.

**5. Appeal to High Court against order of forfeiture**—Any person aggrieved by an order of forfeiture passed by the State Government under section 4 may, within sixty days of the date of such order, apply to the High Court to set aside such order, and upon such application the High Court may pass such order as it deems fit.

**6. Power to seize and destroy harmful publications**—(1) Any police officer or any other officer empowered in this behalf by the State Government may seize any harmful publication.

(2) Any magistrate of the first class may, by warrant, authorise any police officer not below the rank of sub-inspector to enter and search any place where any stock of harmful publications may be or may be reasonably suspected to be, and such police officer may seize any publication found in such place if in his opinion it is a harmful publication.

(3) Any publication seized under sub-section (1) shall be produced, as soon as may be, before a magistrate of the first class, and any publication seized under sub-section (2) shall be produced, as soon as may be, before the court which issued the warrant.

(4) If in the opinion of the magistrate or court such publication is a harmful publication, the magistrate or court

may cause it to be destroyed, but if, in the opinion of the magistrate or court, such publication is not a harmful publication, the magistrate or court shall dispose of it in the manner provided in sections 523, 524 and 525 of the Code of Criminal Procedure, 1898.

**7. Offences under this Act to be cognizable**—Notwithstanding anything contained in the Code of Criminal Procedure, 1898, any offence punishable under this Act shall be cognizable.

# THE COPYRIGHT ACT, 14 OF 1957

## Short Summary

The Act that was in force prior to the passing of the Copyright Act 14 of 1957 was the Indian Copyright Act III of 1914. The old Indian Act was more or less linked to the Copyright Act 1911 of England. The Imperial Copyright Act of 1911 (1 and 2 Geo. V Ch. 46) was appended as the first schedule to the old Indian Act. So the Imperial Copyright Act 1911 of Great Britain continued to be the law regarding copyright in India with necessary adaptations under s. 18(3) of the Indian Independence Act until it was superseded by the Copyright Act 14 of 1957 which is now the prevailing copyright law of India.

The Joint Committee of the members of the Rajya and Lok Sabhas presented its report on the 19th November 1956. Rajya Sabha passed the Copyright Bill consolidating the law relating to copyrights on 15th May 1957 and it was passed by the Lok Sabha on the 27th May 1957. It received the President's assert on June 4, 1957.

The main provisions of the Act are as follows:—

1. There shall be a Copyright Office (s. 9) under the immediate control of a Registrar of Copyrights who shall act under the superintendence and direction of the Central Government. The Registrar of Copyright will be assisted by some deputies. The principal functions of the Copyright Office will be to maintain a Register of Copyrights in which may be entered, at the option of the authors, the names or titles of work, the names and addresses of authors and owners of copyright.

In addition to being in charge of Copyright Board, the duties of Registrar of Copyrights will be to entertain and dispose of applications for compulsory licences and to enquire into complaints of importation of infringing copies. An appeal to the Copyright Board is provided against orders of the Registrar of Copyrights. The Copyright Board shall be deemed to be a Civil Court for certain purposes.

2. There will also be set up a Copyright Board (S. 11), containing a Chairman and three other persons having knowledge of literature or art. The Chairman will be a person who is or has been Judge of a High Court or is qualified for appointment as such Judge. The Copyright Board will determine the reasonableness of the rates of fees, charges or royalties claimed by performing rights societies, consider applications for general licences for public performances of works and will assess

compensation payable under the Act in certain circumstances. An appeal will lie to the High Court against the decisions of the Copyright Board.

3. The term of Copyright has been defined as the exclusive right to do certain specified acts (e.g. to reproduce in material form, to publish or to translate) in respect of a literary, dramatic, musical or artistic work or a cinematograph film or a record (Sec. 14) and has been enlarged so as to include the exclusive right to communicate works by radio-diffusion within the definition of the term of copyright. It also includes the making of any contrivances or mechanical contrivance in respect of the work. In the case of a novel or other non-dramatic work, copyright will include the exclusive right to convert it into a drama by way of performance in public or otherwise. The right to copyright will not subsist (S. 15) in any design which has been registered under the Indian Patents and Designs Act 1911.

4. The ownership of the copyright has been defined in sections 17 to 21. Where a work has been made for valuable consideration at the instance of another person, the transferee will become the first owner unless there is an agreement to the contrary. The owner of the Copyright shall have the right to assign or relinquish the Copyright (Sections 17, 18 and 21).

5. Section 22 prescribes of general terms of Copyright which is to be the lifetime of the author and a period of 50 years atter his death. Special terms of Copyright have been prescribed in respect of certain kinds of work (Section 23 to 29).

6. Provision has been made for regulating the activities of the performing rights societies and also for controlling the fees, charges or royalties to be collected by them.

7. Certain rights akin to copyright called the Broadcast Reproduction Right has come into being in respect of programmes broadcast by them. The Government or other broadcasting authority, as the case may be, shall be the owner of the broadcast reproduction right and such right shall subsist until twenty five years.

9. International copyright relations, which are based on international treaties, will be regulated by specific orders to be made by the Central Government.

10. A fair dealing with any work for the purpose of radio summary or judicial proceedings will not hereafter constitute an infringement of copyright.

11. Section 25 provides for enabling libraries to make a copy of books, which are not available for sale.

12. The owner of Copyright in any work has been empowered to grant a licence in respect thereof. However, the Copyright Board has been authorised, in certain circumstances, to grant compulsory licence

in respect of works withheld from the public and to grant licences to produce and publish translations if no translation has been published by or on behalf of the author of the work within seven years of the first publication of the work (Sections 30 to 32).

13. Sections 40 to 43 empower the Central Government to extend Copyright to foreign works on a reciprocal basis and to withdraw such protection in respect of works of foreign authors whose country of origin fails to accord corresponding protection to Indian authors. Works published by certain international organisations recognised for the purpose by the Central Government have also been accorded copyright. Orders made under these sections are to be laid before the Parliament.

14. From Section 54 onwards, we have the provisions for civil remedies and thereafter we have Sections dealing with offences. Aggrieved persons are given rights to appeal.

15. The new things introduced in the Act are (1) provision which protect author against damage to their reputation by garbled reproduction. (2) provision against illegal imports (3) provision against unreasonable denial of translation or reprint rights.

16. The Act entitles the owners of copyright whose work has been infringed to civil remedies such as injunction, damages etc. and to claim possession of all infringing copies. The author of a work has also been authorised to restrain any distortion or mutiliation of his work (Sections 55, 57 and 58).

Some of the defects of the Act may be mentioned here—Nowhere in the Act is there recognition that India in 1954 subscribed a new International Copyright convention which has been recently ratified by the Parliament. The Government is merely given sweeping powers to extend reciprocal facilities to foreign countries by rules.

# THE COPYRIGHT ACT, 1957

( No. 14 of 1957 )

Received the assent of the President of India, 4th June, 1957.

*An Act to amend and consolidate the law relating to copyright.*

Be it enacted by Parliament in the Eighth Year of the Republic of India as follows:—

## CHAPTER I

### PRELIMINARY

**1. Short title, extent and commencement**—(1) This Act may be called the Copyright Act, 1957.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

**2. Interpretation**—In this Act, unless the context otherwise requires,—

(*a*) "adaptation" means,—

(*i*) in relation to a dramatic work, the conversion of the work into a non-dramatic work ;

(*ii*) in relation to a literary work or an artistic work, the conversion of the work into a dramatic work by way of performance in public or otherwise ;

(*iii*) in relation to a literary or dramatic work, any abridgement of the work or any version of the work in which the story or action is conveyed wholly or mainly by means of pictures in a form suitable for reproduction in a book, or in a newspaper, magazine or similar periodical ; and

(*iv*) in relation to a musical work, any arrangement or transcription of the work ;

(*b*) "architectural work of art" means any building or structure having an artistic character or design, or any model or such building or structure ;

(*c*) "artistic work" means—

(*i*) a painting, a sculpture, a drawing (including a diagram, map, chart or plan), an engraving or a photograph, whether or not any such work possesses artistic quality ;

(*ii*) an architectural work of art ; and

(*iii*) any other work of artistic craftsmanship ;

(*d*) "author" means,—

(*i*) in relation to a literary or dramatic work, the author of the work ;

(*ii*) in relation to a musical work, the composer ;

(*iii*) in relation to an artistic work other than a photograph, the artist ;

(*iv*) in relation to a photograph, the person taking the photograph ;

(*v*) in relation to a cinematograph film, the owner of the film at the time of its completion ; and

(*vi*) in relation to a record, the owner of the original plate from which the record is made, at the time of the making of the plate ;

(*e*) "calendar year" means the year commencing on the 1st day of January ;

(*f*) "cinematograph film" includes the sound track, if any, and "cinematograph" shall be construed as including any work produced by any process analogous to cinematography ;

(*g*) "delivery", in relation to a lecture, includes delivery by means of any mechanical instrument or by radio-diffusion ;

(*h*) "dramatic work" includes any piece for recitation choreographic work or entertainment in dumb show, the scenic arrangement or acting form of which is fixed in writing or otherwise but does not include a cinematograph film ;

(*i*) "engravings" include etchings, lithographs, woodcuts,prints and other similar works, not being photographs ;

(*j*) "exclusive licence" means a licence which confers on the licensee or on the licensee and persons authorised by him, to the exclusion of all other persons (including the owner

of the copyright), any right comprised in the copyright in a work, and "exclusive licensee" shall be construed accordingly;

(*k*) "Government work" means a work which is made or published by or under the direction or control of—

(*i*) the Government or any department of the Government ;

(*ii*) any Legislature in India;

(*iii*) any court, tribunal or other judicial authority in India ;

(*l*) 'Indian work' means a literary, dramatic or musical work, the author of which is a citizen of India ;

(*m*) "infringing copy" means,—

(*i*) in relation to a literary, dramatic, musical or artistic work, a reproduction thereof otherwise than in the form of a cinematograph film ;

(*ii*) in relation to a cinematograph film, a copy of the film or a record embodying the recording in any part of the sound track associated with the film ;

(*iii*) in relation to a record, any such record embodying the same recording ; and

(*iv*) in relation to a programme in which a broadcast reproduction right subsists under section 37, a record recording the programme,

if such reproduction, copy or record is made or imported in contravention of the provisions of this Act ;

(*n*) "lecture" includes address, speech and sermon ;

(*o*) "literary work" includes tables and compilations ;

(*p*) "musical work" means any combination of melody and harmony or either of them, printed, reduced to writing or otherwise graphically produced or reproduced ;

(*q*) "performance" includes any mode of visual or acoustic presentation, including any such presentation by the exhibition of a cinematograph film, or by means of radio-diffusion, or by the use of a record, or by any other means and, in relation to a lecture, includes, the delivery of such lecture ;

(*r*) "performing rights society" means a society,

association or other body, whether incorporated or not, which carries on business in India of issuing or granting licences for the performance in India of any works in which copyright subsists ;

(*s*) "photograph" includes photo-lithgraph and any work produced by any process analogous to photography but does not include any part of a cinematograph film ;

(*t*) "plate" includes any stereotype or other plate, stone, block, mould, matrix, transfer, negative or other device used or intended to be used for printing or reproducing copies of any work, and any matrix or other appliance by which records for the acoustic presentation of the work are or are intended to be made ;

(*u*) "prescribed" means prescribed by rules made under this Act ;

(*v*) "radio-diffusion" includes communication to the public by any means of wireless diffusion whether in the form of sounds or visual images or both ;

(*w*) "record" means any disc, tape, perforated roll or other device in which sounds are embodied so as to be capable of being reproduced therefrom, other than a sound track associated with a cinematograph film ;

(*x*) "recording" means the aggregate of the sounds embodied in and capable or being reproduced by means of a record ;

(*y*) "work" means any of the following works, namely :

(*i*) a literary, dramatic, musicial or artistic work;

(*ii*) a cinematograph film ;

(*iii*) a record;

(*z*) "work of joint authorship" means a work produced by the collaboration of two or more authors in which the contributson of one author is not distinct from the contribution of the other author or authors;

(*za*) "work of sculpture" includes casts and models.

**3. Meaning of publication**—For the purposes of this Act, publication" means,—

(*a*) in the case of a literary, dramatic, musicial or

artistic work, the issue of copies of the work to the public in sufficient quantities ;

(*b*) in the case of cinematograph film, the sale or hire or offer for sale or hire of the film or copies thereof to the public ;

(*c*) in the case of a record, the issue of records to the public in sufficient quantities ;

but does not, except as otherwise expressly provided in this Act, include,—

(*i*) in the case of a literary, dramatic or musical work, the issue of any records recording such work;

(*ii*) in the case of a work of sculpture or a an architectural work of art, the issue of photographs and engravings of such work.

NOTES—The word 'publication' means the issue of copies in sufficient quantities. It is the publication at large and not to an individual as in the case of libel and defamation. The British Imperial copyright Act of 1911 defines publication as "publication in relation to any work means the issue of copies to the public". Publication means printing of copies and distributing or selling them. A work shall not be deemed to be published unless sufficient number of copies thereof have been issued. The publication to a circle of friends of the author or even to students to whom the author is lecturing is not a publication within the the meaning of copyright. So this section clearly states that the publication means "the issue of copies of the work to the public in sufficient quantities."

**4. When work not deemed to be published or performed in public.**—Except in relation to infringement of copyright, a work shall not be deemed to be published or performed in public, if published, or performed in public, without the licence of the owner of the copyright.

**5. When work deemed to be first published in India.**—For the purposes of this Act, a work published in India shall be deemed to be first published in India, notwithstanding that it has been publihed simultaneously in some other country, unless such other country provides a shorter term of copyright for such work; and a work shall be deemed to be published simultaneously in India and in another country if the time between the publication in India and the publication in such

other country does not exceed thirty days or such other period as the Central Government may, in relation to any specified country, determine.

**6. Certain disputes to be decided by Copyright Board.**—If any question arises,—

(*a*) whether for the purposes of section 3, copies of any literary, dramatic, musical or artistic work, or records are issued to the public in sufficient quantities; or

(*b*) whether for the purposes of section 5, the term of copyright for any work is shorter in any other country than that provided in respect of that work under this Act;

it shall be referred to the Copyright Board constituted under section 11 whose decision thereon shall be final.

NOTES—Disputes regarding publication etc. should be decided by the Copyrighi Board and should not be the subject matter of litigation.

**7. Nationality of author where the making of unpublished work is extended over considerable period.**—Where, in the case of an unpublished work, the making of the work is extended over a considerable period, the author of the work shall, for the purposes of this Act, be deemed to be a citizen of, or domiciled in, that country of which he was a citizen or wherein he was domiciled during any substantial part of that period.

**8. Domicile of corporations.**—For the purposes of this Act, a body corporate shall be deemed to be domiciled in India if it is incorporated under any law in force in India.

## CHAPTER II

### COPYRIGHT OFFICE AND COPYRIGHT BOARD

**9. Copyright Office.**—(1) There shall be established for the purposes of this Act an office to be called the Copyright Office.

(2) The Copyright Office shall be under the immediate control of the Registrar of Copyrights who shall act under the superintendence and direction of the Central Government.

(3) There shall be a seal for the Copyright Office.

COPYRIGHT BOARD—Under this section a Copyright Office under the control of Registrar of Copyrights acting under the supervision of the Government of India will be established. The principal function of the Copyright Office will be to maintain a Register of Copyrights in which may by entered the names or titles of works, the names and addresses of authors, publishers and owners of copyright and other relevant particulars as may be prescribed (Vide S. 44). The author or publisher or the owner of or other person interested in the copyright in any work may make an application for entering particulars of the work in the Register of Copyrights.

**10. Registrar and Deputy Registrars of Copyrights.**—(1) The Central Government shall appoint a Registrar of Copyrights and may appoint one or more Deputy Registrars of Copyrights.

(2) A Deputy Registrar of Copyrights shall discharge under the superintendence and direction of the Registrar of Copyrights such functions of the Registrar under this Act as the Registrar may, from time to time, assign to him; and any reference in this Act to the Registrar of Coprights shall include a reference to a Deputy Registrar of Copyrights when so discharging any such functions.

REGISTRAR AND DEPUTY REGISTRAR OF COPYRIGHTS—Under this section, a Registrar of Copyrights will be appointed who will act under the superintendence and direction of the Central Government. The Central Government may appoint one or more Deputy Registrars of Copyrights who will discharge their duties under the superintendence and direction of the Registrar. The Registrar of Copyrights will not be a member of the Copyright Board but will act as its Secretary.

**11. Copyright Board.**—(1) As soon as may be after the commencement of this Act, the Central Government shall constitute a Board to be called the Copyright Board which shall consist of a Chairman and not less than two nor more than eight other members.

(2) The Chairman and other members of the Copyright Board shall hold office for such period and on such terms and conditions as may be prescribed.

(3) The Chairman of the Copyright Board shall be person who is, or has been, a Judge of the Supreme Court or a High

Court or is qualified for appointment as a Judge of a High Court.

(4) The Registrar of Copyrights shall be the Secretary of the Copyright Board and shall perform such functions as may be prescribed.

COPYRIGHT BOARD—This section sets up a Copyright Board consisting of a Chairman and not less than two nor more than eight other members. The Chairman will be a person who is or has been a Judge of a Supreme Court or of a High Court or is qualified for appointment as such Judge. The Board will determine the reasonableness of the rates of of fees, charges or royalities claimed by performing rights societies, consider applications for general licences for public performances of works and will assess compensation payable under the Act in certain circumstances. An appeal will lie to the High Court against the decisions of the Copyright Board. The Copyright Board should function through various benches sitting at different places in India, so that people should have an easy access to it. The jurisdiction of the Copyright Board has accordingly been divided into various zones which correspond to the zones constituted under S. 15 of the States Reorganisation Act.

**12. Powers and procedure of Copyright Board.**—(1) The Copyright Board shall, subject to any rules that may be made under this Act, have power to regulate its own procedure, including the fixing of places and times of its sittings:

Provided that the Copyright Board shall ordinarily hear any proceeding instituted before it under this Act within the zone in which, at the time of the institution of the proceeding. the person instituting the proceeding actually and voluntarily resides or carries on business or personally works for gain.

*Explanation.*—In this sub-section "zone" means a zone specified in section 15 of the States Reorganisation Act, 1956.

(2) The Copyright Board may exercise and discharge its powers and functions through Benches constituted by the Chairman of the Copyright Board from amongst its members, each Bench consisting of not less than three members.

(3) If there is a difference of opinion among the members of the Copyright Board or any Bench thereof in respect of any matter coming before it for decision under this Act, the opinion of the majority shall prevail:

Provided that where the there is no such majority—

(*i*) if the Chairman was one of the members who heard the matter, the opinion of the Chairman shall prevail;

(*ii*) if the Chairman was not one of the members who heard the matter, the matter shall be referred to him for his opinion and that opinion shall prevail,

(4) The Copyright Board may authorise any of its members to excrcise any of the powers conferred on it by section 74 and any order made or act done in exercise of those powers by the member so authorised shall be deemed to be the order or act, as the case may be, of the Board.

(5) No member of the Copyright Board shall take part in any proceedings before the Board in respect of any matter in in which he has a personal interest,

(6) No act done or proceeding taken by the Copyright Board under this Act shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

(7) The Copyright Board shall be deemed to be a civil court for the purposes of sections 480 and 482 of the Code of Criminal Procedure, 1898, and all proceedings before the Board shall be deemed to be judicial proceedings within the meaning of sections 193 and 228 of the Indian Penal Code.

## CHAPTER III

### COPYRIGHT

**13. Works in which copyright subsists.**—(1) Subject to the provisions of this section and the other provisions of this Act, copyright shall subsist throughout India in the following classes of works, that is to say,—

(*a*) original literary, dramatic, musical and artistic works;

(*b*) cinematograph films; and

(*c*) records.

(2) Copyright shall not subsist in any work specified in

sub-section (1), other than a work to which the provisions of section 40 or section 41 apply, unless,—

(*i*) in the case of a published work, the work is first published in India, or where the work is first published outside India, the author is at the date of such publication, or in a case where the author was dead at that date, was at the time of his death, a citizen of India;

(*ii*) in the case of an unpublished work other than an architectural work of art, the author is at the date of the making of the work a citizen of India or domiciled in India; and

(*iii*) in the case of an architectural work of art, the work is located in India.

*Explanation.*—In the case of a work of joint authorship, the conditions conferring copyright specified in this sub-section shall be satisfied by all the authors of the work.

(3) Copyright shall not subsist—

(*a*) in any cinematograph film if a substantial part of the film is an infringement of the copyright in any other work;

(*b*) in any record made in respect of a literary, dramatic or musical work, if in making the record, copyright in such work has been infringed.

(4) The copyright in a cinematograph film or a record shall not affect the separate copyright in any work in respect of which or a substantial part of which, the film, or as the case may be, the record is made.

(5) In the case of an architectural work of art, copyright shall subsist only in the artistic character and design and shall not extend to processes or methods of construction.

NATURE OF COPYRIGHT—Nature of copyright has been clearly explained by Lord Atkinson in *Macmillan & Co. V. Cooper*, (1924) I. L R 48 Bom 380=46 M. L. J. 637=51 Indian Appeals 109 where he observed—"it is the product of labour, skill and capital of one man which must not be appropriated by another, not the elements, the raw material, if one may use the expression, upon which the labour and skill and capital of the first have been expended." Lord Atkinson further

observed "to secure copyright for this product it is necessary that the labour, skill and capital expended should be sufficient to impart to the product some quality or character which the raw material did not possess and which differentiates the product from the raw materials."

But it should be noted clearly that a person can have no monopoly of knowledge or ideas and can have no copyright in the ideas. Lord Halsbury in *Chilton* V. *Progress Printing Publishing Co.* (1895) 2 Ch. 29 C. A has stated that copyright is the written form of expression. It has reference to some literary form of composition and does not extend to ideas or schemes, or systems or methods. In *Macmillan & Co.* v. *Cooper*, I. L. R. 48 Bom. 308, it has been stated "Copyright Acts are not concerned with the originality of idea but with the expression of thought and in the case of 'literary' works with the expression of thought in printing or writing."

**14. Meaning of copyright.**—(1) For the purposes of this Act, "copyright" means the exclusive right, by virtue of, and subject to the provisions of, this Act,—

(*a*) in the case of a literary, dramatic or musical work, to do and authorise the doing of any following acts, namely:—

(*i*) to reproduce the work in any material form;

(*ii*) to publish the work;

(*iii*) to perform the work in public;

(*iv*) to produce, reproduce, perform or publish any translation of the work;

(*v*) to make any cinematograph film or a record in respect of the work;

(*vi*) to communicate the work by radio-diffusion or to communicate to the public by a loud-speaker or any other similar instrument the radio-diffusion of the work;

(*vii*) to make any adaptation of the work;

(*viii*) to do in relation to a trsnslation or an adaptation of the work any of the acts specified in relation to the work in clauses (*i*) to (*vi*);

(*b*) in the case of an artistic work, to do or authorise the doing of any of the following acts, namely:—

(*i*) to reproduce the work in any material form ;

(*ii*) to publish the work ;

(*iii*) to include the work in any cinematograph film ;

(*iv*) to make any adaptation of the work ;

(*v*) to do in relation to an adaptation of the work any of the acts specified in relation to the work in clauses (*i*) to (*iii*).

(*c*) in the case of a cinematograph film, to do or authorise the doing of any of the following acts, namely;—

(*i*) to make a copy of the film ;

(*ii*) to cause the film, in so far as it consists of visual images, to be seen in public and, in so far as it consists of sounds, to be heard in public;

(*iii*) to make any record embodying the recording in any part of the sound track associated with the film by utilising such sound track ;

(*iv*) to communicate the film by radio-diffusion ;

(*d*) in the case of a record, to do or authorise the doing of any of the following acts by utilising the record, namely: —

(*i*) to make any other record embodying the same recording;

(*ii*) to cause the recording embodied in the record to be heard in public;

(*iii*) to communicate the recording embodied in the record by radio-diffusion.

(2) Any reference in sub-section (1) to the doing of any act in relation to a work or a translation or an adaptation thereof shall include a reference to the doing of that act in relation to a substantial part thereof.

DEFINITION—This section sets out separately the rights which are comprised in relation to each work. Many exclusive rights have been included under the meaning of copyright, such as reproduction, performance, production, publication of original work, publication of translations work, making of cinematograph film or a record in respect of the work and it has been enlarged so as to include the exclusive right to communicate works by radio in diffusion. It also includes records in respect of the work. In case of a novel or other non-dramatic work, the copyright will include the exclusive right to convert it into a drama by way of performance in public or otherwise.

**15. Special provision regarding copyright in designs registered or capable of being registered under the Indian Patents and Designs Act. 1911.**—(1) Copyright shall not subsist under this Act in any design which is registered under the Indian Patents and Designs Act, 1911.

(2) Copyright in any design, which is capable of being registered under the Patents and Designs Act, 1911, but which has not been so registered, shall cease as soon as any article to which the design has been applied has been reproduced more than fifty times by an industrial process by the owner of the copyright or, with his licence, by any other person.

**16. No copyright except as provided in this Act**—No person shall be entitled to copyright or any similar right in any work, whether published or unpublished, otherwise than under and in accordance with the provisions of this Act or of any other law for the time being in force, but nothing in this section shall be construed as abrogating any right or jurisdiction to restrain a breach of trust or confidence.

## CHAPTER IV

### OWNERSHIP OF COPYRIGHT AND THE RIGHT OF THE OWNER

**17. First owner of copyright**—Subject to the provisions of this Act, the author of a work shall be the first owner of the copyright therein:

Provided that—

(*a*) in the case of literary, dramatic or artistic work made by the author in the course of his employment by the proprietor of a newspaper, magazine or similar periodical under a contract of service or apprenticeship, for the purpose of publication in a newspaper, magazine or similar periodical, the said proprietor shall, in the absence of any agreement to the contrary, be the first owner of the copyright in the work in so far as the copyright relates to the publication of the work in any newspaper, magazine

or similar periodical, or to the reproduction of the work for the purpose of its being so published, but in all other respects the author shall be the first owner of the copyright in the work;

(*b*) subject to the provisions of clause (*a*), in the case of a photograph taken, or a painting or portrait drawn, or an engraving or a cinematograph film made, for valuable consideration at the instance of any person, such person shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

(*c*) in the case of a work made in the course of the author's employment under a contract of service or apprenticeship, to which clause (*a*) or clause (*b*) does not apply, the employer shall, in the absence of any agreement to the contrary, be the first owner of the copyright therein;

(*d*) in the case of a Government work, Government shall, in the absenc of any agreement to the contrary, be the first owner of the copyright therein;

(*e*) in the case of a work to which the provisions of section 41 apply, the international organisation concerned shall be the first owner of the copyright therein.

NOTES—Under clause (*a*) copyright in a literary, dramatic or artistic work made by an author in the course of his employment by the proprietor of a newspaper, magazine, or similar periodical under a contract of service or apprenticeship is split up into two parts. So far as such copyright relates to the publication of the work in any newspaper, magazine or similar periodial or to the reproduction of the work for the purpose of being published, it will rest to the proprietor of the newspaper magazine or periodical. In all other respects the copyright will vest in the author.

Clause (*b*) relates of the commissioned work. It is only in the case of photograph painting, potrait, engraving or a cinematograph film that the copyright should vest in the person who commissioned the work.

**18 Assignment of copyright.**—(1) The owner of the copyright in an existing work or the prospective owner of the copyright in a future work may assign to any person the copyright

either wholly or partially and either generally or subject to limitations and either for the whole term of the copyright or any part thereof:

Provided that in the case of the assignment of copyright in any future work, the assignment shall take effect only when the work comes into existence.

(2) Where the assignee of a copyright becomes entitled to any right comprised in the copyright, the assignee as respects the rights so assigned, and the assignor as respects the rights not assigned, shall be treated for the purposes of this Act as the owner of copyright and the provisions of this Act shall have effect accordingly.

(3) In this section, the expression "assignee" as respects the assignment of the copyright in any future work includes the legal representatives of the assignee, if the assignee dies before the work comes into existence.

**19. Mode of assignment.**—No assignment of the copyright in any future work shall be valid unless it is in writing signed by the assignor or by his duly authorised agent,

**20. Transmission of copyright in manuscript by testamentary disposition.**—Where under a bequest a person is entitled to the manuscript of a literary, dramatic or musical work, or to an artistic work, and the work was not published before the death of the testator, the bequest shall, unless the contrary intention is indicated in the testator's will or any codicil thereto, be construed as including the copyright in the work in so far as the testator was the owner of the copyright immediately before his death.

*Explanation.*—In this section, the expression "manuscript" means the original document embodying the work, whether written by hand or not.

NOTES—This section provides a contingency when the mss. of a work is bequeathed under a will without the testator making any express provision in respect of the copyright. This section provides that in respect of such circumstances, the copyright of mss. will pass along with the mss. unless the testator has made a contrary provision.

**21. Right of author to relinquish copyright.**— (1) The author of a work may relinquish all or any of the rights comprised in thd copyright in the work by giving notice in the prescribed form to the Registrar of Copyrights and thereupon such rights shall, subject to the provisions of sub-section (3), cease to exist from the date of the notice.

(2) On receipt of a notice under sub-section (1), the Registrar of Copyrights shall cause it to be published in the Official Gazette and in such other manner as he may deem fit.

(3) The relinquishment of all or any of the rights comprised in the copyright in a work shall not affect any rights subsisting in favour of any person on the date of the notice referred to in sub-section (1).

## CHAPTER V

### TERM OF COPYRIGHT

**22. Term of copyright in published literary, dramatic, musical and artistic work.**—Except as otherwise hereinafter provided, copyright shall subsist in any literary, dramatic, musical or artistic work (other than a photograph) published within the lifetime of the author until fifty years from the beginning of the calendar year next following the year in which the author dies.

*Explanation.*—In this section the reference to the author shall, in the case of a work of joint authorship, be construed as a reference to the author who dies last.

TERM OF COPYRIGHT—The normal term of copyright is fixed to be the lifetime of the author and fifty years thereafter. In case of a work of joint author, the term of fifty years should be computed from the death of the author who dies first.

Special terms of Copyright have been prescribed in respect of certain kinds of works in Sections 23 to 29.

JOINT AUTHORS—Under Section 16(3) of the Imperial Copyright Act of 1911, a work of joint authorship means a work produced by collabrotion of two or more authors, in which, the contribution of one is not distinct from the contribution of the other author or authors and is thus distinguishable from a "collective work", in which contributions of different authors are distinct or capable of being separated, and which is written in distinct parts by different authors or in which works or parts of works of different authors are incorporated.

**23. Term of copyright in anonymous and pseudonymous works**—(1) In the case of a literary, dramatic, musical or artistic work (other than a photograph), which is published anonymously or pseudonymously, copyright shall subsist unitl fifty years from the beginning of the calendar year next following the year in which the work is first published:

Provided that where the identity of the author is disclosed before the expiry of the said period, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the author dies.

(2) In sub-section (1), references to the author shall, in the case of an anonymous work of joint authorship, be construed,—

(*a*) where the identity of one of the authors is disclosed, as references to that author;

(b) where the identity of more authors than one is disclosed, as references to the author who dies last from amongst such authors.

(3) In sub-section (1), references to the author shall, in the case of a pseudonymous work of joint authorship, be construed,—

(*a*) where the names of one or mare (but not all) of the authors are pseudonyms and his or their identity is not disclosed, as references to the author whose name is not a pseudonym, or, if the names of two or more of the authors are not pseudonyms, as references to such of those authors who dies last;

(*b*) where the names of one or more (but not all) of the authors are pseudonyms and the identity of one or more of them is disclosed, as references to the author who dies last from amongst the authors whose names are not pseudonyms and the authors whose names are pseudonyms and are disclosed; and

(*c*) where the names of all the authors are pseudonyms and the identity of one of them is disclosed, as references to the author whose identity is disclosed or if the identity of two or more of such authors is

disclosed, as references to such of those authors who dies last.

*Explanation.*—For the purposes of this section, the identity of an author shall be deemed to have been disclosed, if either the identity of the author is disclosed publicly by both the author and the publisher or is otherwise established to the satisfaction of the Copyright Board by that author.

NOTES—This section makes the position of the anonymous and pseudonymous works clear. In case of pseudonymous work of joint authorship, there may be number of posibilities : names of some authors may be pseudonymous, while the names of some others may not be pseudonymous. So others may have disclosed their identity, while others may not have done so. This section provides for all such contingencies.

**24. Term of copyright in posthumous work.**—(1) In the case of a literary, dramatic or musical work or an engraving, in which copyright subsists at the date of the death of the author or, in the case of any such work of joint authorship, at or immediately before the date of the death of the author who dies last, but which, or any adaptation of which, has not been published before that date, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published or, where an adaptation of the work is published in any earlier year, from the beginning of the calendar year next following that year.

(2) For the purposes of this section a literary, dramatic or musical work or an adaptation of any such work shall be deemed to have been published, if it has been performed in public or if any records made in respect of the work have been sold to the public or have been offered for sale to the public.

**25. Term of copyright in photographs**—In the case of a photograph, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the photograph is published.

NOTES—The term of copyright in photograph in now fifty years and the term of fifty years runs from the date when the photograph is published and not from the date when it is taken.

**26. Term of copyright in cinematograph films.**—In the case of a cinematograph film, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the film is published.

NOTES—The terms of copyright in cinematograph films and records are now fifty years.

**27. Term of copyright in records.**—In the case of a record, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the record is published.

**28. Term of copyright in Government works.**—In the case of a Government work, where Government is the first owner of the copyright therein, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published.

**29. Term of copyright in works of international organisations.**—In the case of a work of an international organisation to which the provisions of section 41 apply, copyright shall subsist until fifty years from the beginning of the calendar year next following the year in which the work is first published.

## CHAPTER VI

### LICENCES

**30. Licences by owners of copyright.**—The owner of the copyright in any existing work or the prospective owner of the copyright in any future work may grant any interest in the right by licence in writing signed by him or by his duly authorised agent:

Provided that in the case of a licence relating to copyright in any future work, the licence shall take effect only when the work comes into existence.

*Explanation*—Where a person to whom a licence relating to copyright in any future work is granted under this section dies before the work comes into existence, his legal representatives shall, in the absence of any provision to the contrary in the licence, be entitled to the benefit of the licence.

MEANING OF LICENCE—The word "Licence" is defined nowhere in the Act, The licence is distinguished from assignment. Assignment is the complete transfer of ownership, whereas a licence is an individual right in the use he has acquired. A licence is not transferable unless so stipulated in the contract. License properly passes no interest, but only makes an action lawful which without it had been unlawful. Licence may mean granting a single separate right, e.g., granting licence to dramatise a work.

**31. Compulsory licence in works withheld from public.**—(1) If at any time during the term of copyright in any Indian work which has been published or performed in public, a complaint is made to the Copyright Board that the owner of copyright in the work—

(*a*) has refused to republish or allow the republication of the work or has refused to allow the performance in public of the work, and by reason of such refusal the work is withheld from the public; or

(*b*) has refused to allow communication to the public by radio-diffusion of such work or in the case of a record the work recorded in such record, on terms which the complainant considers reasonable;

the Copyright Board, after giving to the owner of the copyright in the work a reasonable opportunity of being heard and after holding such inquiry as it may deem necessary, may, if it is satisfied that the grounds for such refusal are not reasonable, direct the Registrar of Copyrights to grant to the complainant a licence to republish the work, perform the work in public or communicate the work to the public by radio-diffusion, as the case may be, subject to payment to the owner of the copyright of such compensation and subject to such other terms and conditions as the Copyright Board may determine; and thereupon the Registrar of Copyright shall grant the licence to the complainant in accordance with the directions of the Copyright Board, on payment of such fee as may be prescribed.

*Explanation*—In this sub-section, the expression "Indian work" includes—

(*i*) an artistic work, the author of which is a citizen of India; and

(ii) a cinematograph film or a record made or manufactured in India.

(2) Where two or more persons have made a complaint under sub-section (1), the licence shall be granted to the complainant who in the opinion of the Copyright Board would best serve the interests of the general public.

NOTES—This section provides for the granting of compulsory licences, on the application to the Copyright Board, to meet the contingency of the public being deprived of the benefits of the author's work, if the owner of the copyright refuses to republish the work.

**32. Licence to produce and publish translations**—(1) Any person may apply to the Copyright Board for a licence to produce and publish a translation of a literary or dramatic work in any language.

(2) Every such application shall be made in such form as may be prescribed and shall state the proposed retail price of a copy of the translation of the work.

(3) Every applicant for a licence under this section shall, along with his application, deposit with the Registrar of Copyrights such fee as may be prescribed.

(4) Where an application is made to the Copyright Board under this section, it may, after holding such inquiry as may be prescribed, grant to the applicant a licence, not being an exclusive licence, to produce and publish a translation of the work in the language mentioned in the application, on condition that the applicant shall pay to the owner of the copyright in the work royalties in respect of copies of the translation of the work sold to the public, calculated at such rate as the Copyright Board may, in the circumstances of each case, determine in the prescribed manner:

Provided that no such licence shall be granted, unless—

(*a*) a translation of the work in the language mentioned in the application has not been published by the owner of the copyright in the work or any person

authorised by him, within seven years of the first publication of the work, or if a translation has been so published, it has been out of print;

(*b*) the applicant has proved to the satisfaction of the Copyright Board that he had requested and had been denied authorisation by the owner of the copyright to produce and publish such translation. or that he was unable to find the owner of the copyright;

(*c*) where the applicant was unable to find the owner of the copyright, he had sent a copy of his request for such authorisation to the publisher whose name appears from the work, not less than two months before the application for the licence;

(*d*) the Copyright Board is satisfied that the applicant is competent to produce and publish a correct translation of the work and possesses the means to pay to the owner of the copyright the royalties payable to him under this section;

(*e*) the author has not withdrawn from circulation copies of the work; and

(*f*) an opportunity of being heard is given, wherever practicable, to the owner of the copyright in the work.

NOTES—The old provision regarding translation in the Copyright Act III of 1914, Section 4 was as follows—(1) In the case of works first published in India, copyright shall be subject to this limitation that sole right to produce, reproduce, perform or publish a translation of the work shall subsist only for a period of ten years from the date of the first publication of the work. Provided that if within the said period the author, or any person to whom he has granted permission so to do, publishes a translation of any such work in any language, copyright in such work as regards the sole right to produce, reproduce, perform or publish a translation in that language shall not be subject to the limitation prescribed in this Sub-Section.

In this present Section. ihe Copyright Board has been authorised, in certain circumstances, to grant licences to produce and publish translations if no translation has been published by or on behalf of the author of the work within seven years of the first publication of the work.

## CHAPTER VII

### PERFORMING RIGHTS SOCIETIES

**33. Performing rights society to file statements of fees, charges and royalties.**—(1) Every performing rights society shall, within the prescribed time and in the prescribed manner, prepare, publish and file with the Registrar of Copyrights, statements of all fees, charges or royalties which it proposes to collect for the grant of licences for performance in public of works in respect of which it has authority to grant such licences.

(2) If any such society fails to prepare, publish or file with the Registrar of Copyrights the statements referred to in sub-section (1) in relation to any work in accordance with the provisions of that sub-section, no action or other proceeding to enforce any remedy, civil or criminal, for infringement of the performing rights in that work shall be commenced except with the consent of the Registrar of Copyrights.

**34. Objections relating to published statements.**—Any person having any objections to any fees, charges or royalties or other particulars included in any statement referred to in section 33 may at any time lodge such objections in writing at the Copyright Office.

**35. Determination of objections.**—(1) Every objection lodged at the Copyright Office under section 34 shall, as soon as may be, be referred to the Copyright Board and the Copyright Board shall decide such objection in the manner hereinafter provided.

(2) The Copyright Board shall, in respect of every such objection, give notice thereof to the performing rights society concerned.

(3) The Copyright Board shall, after giving such society and the person who lodged the objection a reasonable opportunity of being heard and after making such further inquiry as may be prescribed, make such alterations in the statements as it may think fit, and shall transmit the alterations made by it to the Registrar of Copyrights, who shall thereupon, as soon as practicable after the receipt of such alterations,

publish them in the Official Gazette and furnish the performing rights society concerned and the person who lodged the objection with a copy thereof.

(4) The fees, charges or royalties as altered by the Copyright Board shall be the fees, charges or royalties which the performing rights society concernced may respectively lawfully sue for or collect in respect of the grant by it of licences for performance in public of works to which such fees, charges or royalties relate.

(5) No performing rights society shall have any right of action or any right to enforce any civil or other remedy for infringement of the performing rights in any work against any person who has tendered or paid to such society the fees, charges or royalties specified in respect of that work in a statement published by that society under sub-section (1) of section 33 or where such statement has been altered by the Copyright Board under this section in the statement so altered.

(6) Where any person has lodged an objection at the Coyyright Office regarding the fee, charges or royalties in respect of any work included in a statement published under section 33, that person or any other person, on depositing such fees, charges or royalties at the Copyright Office, may, pending the final decision of such objection by the Copyright Board or the High Court, as the case may be, perform that work without infringing the copyright therein.

(7) The fees, charges or royalties deposited at the Copyright Office under sub-section (6) shall be paid to the performing rights society concerned or to the person who made the deposit, or partly to such society and partly to such person, in accordance with the final decision on the objection as aforesaid.

**36. Existing rights not affected.**—Nothing in this Chapter shall be deemed to affect—

(*a*) any rights or liabilities in relation to the performing rights in any work accrued or incurred before commencement of this Act;

(*b*) any legal proceedings in respect of such rights or liabilities pending at such commencement.

## CHAPTER VIII

### RIGHTS OF BROADCASTING AUTHORITIES

**37. Broadcast reproduction right.**—(1) Where any programme is broadcast by radio-diffusion by the Government or any other broadcasting authority, a special right to be known as "broadcast reproduction right" shall subsist in such programme.

(2) The Government or other broadcasting authority, as the case may be, shall be the owner of the broadcast reproduction right and such right shall subsist until twenty-five years from the beginning of the calendar year next following the year in which the programme is first broadcast.

(3) During the continuance of a broadcast reproduction right in relation to any programme, any person who,—

(*a*) without the licence of the owner of the right—

(*i*) rebroadcasts the programme in question or any substantial part thereof; or

(*ii*) causes the programme in question or any substantial part thereof to be heard in public; or

(*b*) without the licence of the owner of the right to utilise the broadcast for the purose of making a record recording the programme in question or any substantial part thereof, makes any such record,

shall be deemed to infringe that broadcast reproduction right.

**38. Other provisions of this Act to apply to broadcast reproduction rights.**—Sections 18, 19, 30, 53, 55, 58, 64, 65, and 66 shall, with any necessary adaptations and modifications, apply in relation to the broadcast reproduction right in any programme as they apply in relation to the copyright in a work.

Provided that a licence to utilise a broadcast for the purpose of making a record recording a programme in which broadcast reproduction right subsists or any substantial part of such programme, shall not take effect unless the person to whom such licence is granted has also obtained a licence to

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make records recording the work embodied in such programme from the owner of the copyright in such work

**39. Other rights not affected.**—For the removal of doubts, it is hereby declared that the broadcast reproduction right conferred upon a broadcasting authority under this Chapter shall not affect the copyright—

(*a*) in any literary, dramatic or musical work which is broadcast by that authority; or

(*b*) in any record recording any such work.

## CHAPTER IX

### INTERNATIONAL COPYRIGHT

**40. Power to extend copyright to foreign works.**—The Central Government may, by order published in the Official Gazette, direct that all or any provisions of this Act shall apply—

(*a*) to works first published in any territory outside India to which the order relates in like manner as if they were first published within India;

(*b*) to unpublished works, or any class thereof, the authors wereof were at the time of the making of the work, subjects or citizens of a foreign country to which the order relates, in like manner as if the authors were citizens of India;

(*c*) in respect of domicile in any territory outside India to which the order relates in like manner as if such domicile were in India;

(*d*) to any work of which the author was at the date of the first publication thereof, or, in a case where the author was dead at that date, was at the time of his death, a subject or citizen of a foreign country to which the order relates in like manner as if the author was a citizen of India at that date or time;

And thereupon, subject to the provisions of this Chapter and of the order, this Act shall apply accordingly:

Provided that—

(*i*) before making an order under this section in respect

of any foreign country (other than a country with which India has entered into a treaty or which is a party to a convention relating to copyright to which India is also a party), the Central Government shall be satisfied that foreign country has made, or has undertaken to make, such provisions, if any, as it appears to the Central Government expedient to require for the protection in that country of works entitled to copyright under the provisions of this Act;

(*ii*) the order may provide that the provisions of this Act shall apply either generally or in relation to such classes of works or such classes of cases as may be specified in the order;

(*iii*) the order may provide that the term of copyright in India shall not exceed that conferred by the law of the country to which the order relates;

(*iv*) the order may provide that the enjoyment of the rights conferred by this Act shall be subject to the accomplishment of such conditions and formalities, if any, as may be prescribed by the order;

(*v*) in applying the provisionst of this Act as to ownership of copyright, the order may make such exceptions and modifications as appear necessary, having regard to the law of the foreign country;

(*vi*) the order may provide that this Act or any part thereof shall not apply to works made before the commencement of the order or that this Act or any part thereof shall not apply to works first published before the commencement of the order.

**41. Provisions as to works of certain international organisations.—**

(1) Where—

(*a*) any work is made or first published by or under the direction or control of any organisation to which this section applies, and

(*b*) there would, apart from this section, be no copy-

right in the work in India at the time of the making or, as the case may be, of the first publication thereof, and

(*c*) either—

(*i*) the work is published as aforesaid in pursuance of an agreement in that behalf with the author, being an agreement which does not reserve to the author the copyright, if any, in the work, or

(*ii*) under section 17 any copyright in the work would belong to the organisation;

there shall, by virtue of this section, be copyright in the work throughout India.

(2) Any organisation to which this section applies which at the material time had not to the legal capacity of a body corporate shall have and be deemed at all material times to have had the legal capacity of a body corporate for the purpose of holding, dealing with, and enforcing copyright and in connection with all legal proceedings relating to copyright.

(3) The organisations to which this section applies are such organisations as the Central Government may, by order published in the Official Gazette, declare to be organisations of which one or more sovereign powers or the Government or Governments thereof are members to which it is expedient that this section shall apply.

**42. Power to restrict rights in works of foreign authors first published in India.**—If it appears to the Central Government that a foreign country does not give or has not undertaken to give adequate protection to the works of Indian authors, the Central Government may, by order published in the Official Gazette, direct that such of the provisions of this Act as confer copyright on works first published in India shall not apply to works, published after the date specified in the order, the authors whereof are subjects or citizens of such foreign country and are not domiciled in India, and thereupon those provisions shall not apply to such works

**43. Orders under this Chapter to be laid before Parliament.**—Every order made by the Central Government

under this Chapter shall, as soon as may be after it is made, be laid before both Houses of Parliament and shall be subject to such modifications as Parliament may make during the session in which it is so laid or the session immediately following.

## CHAPTER X

### REGISTRATION OF COPYRIGHT

**44. Register of Copyrights.**—There shall be kept at the Copyright Office a register in the prescribed form to be called Register of Copyrights in which may be entered the names or titles of work and the names and addresses of authors, publishers and owners of copyright and such other particulars as may be prescribed.

**45. Entries in Register of Copyrights.**—(1) The author or publisher of, or the owner of or other person interested in the copyright in, any work may make an application in the prescribed form accompanied by the prescribed fee to the Registrar of Copyrights for entering particulars of the work in the Register of Copyrights.

(2) On receipt of an application in respect of any work under sub-section (1), the Registrar of Copyrights may, after holding such inquiry as he may deem fit, enter the particulars of the work in the Register of Copyrights.

NOTES—This is the provision for the optional registration of copyright by author, publisher of, or the owner of or other person interested in the copyright.

An impost is indeed going to be levied on authors, publishers and the public in the form of a Registray of Copyrights as fees and taxes. The Registration is nominally voluntary, but in fact, practically compulsory, since no civil remedy for infringement will lie, if it is not undertaken, whereas criminal prosecution (even if successfuly attemped) is unlikely to help the damaged party's pocket.

**46. Indexes.**—There shall be also kept at the Copyright Office such indexes of the Register of Copyrights as may be prescribed.

**47. Form and inspection of register.**—The Register of Copyrights and indexes thereof kept under this Act shall at all

reasonable times be open to inspection, and any person shall be entitled to take copies of, or make extracts from, such register or indexes on payment of such fee and subject to such conditions as may be prescribed.

**48. Register of Copyrights to be prima facie evidence of particulars entered therein.**—The Register of Copyrights shall be *prima facie* evidence of the particulars entered therein and documents purporting to be copies of any entries therein, or extracts therefrom certified by the Registrar of Copyrights and sealed with the seal of the Copyright Office shall be admissible in evidence in all courts without further proof or production of the original.

**49. Correction of entries in the Register of Copyrights.**—The Registrar of Copyrights may, in the prescribed cases and subject to the prescribed conditions, amend or alter the Register of Copyrights by—

(*a*) correcting any error in any name, address or particulars; or

(*b*) correcting any other error which may have arisen therein by accidental slip or omission.

**50. Rectification of Register by Copyright Board.**—The Copyright Board, on application of the Registrar of Copyrights or of any person aggrieved, shall order the rectification of the Register of Copyrights by—

(*a*) the making of any entry wrongly omitted to be made in the register, or

(*b*) the expunging of any entry wrongly made in, or remaining on, the register, or

(*c*) the correction of any error or defect in the register.

## CHAPTER XI

### INFRINGEMENT OF COPYRIGHT

**51. When copyright infringed.**—Copyright in a work shall be deemed to be infringed—

(*a*) when any person, without a licence granted by the owner of the Copyright or the Registrar of Copy-

rights under this Act or in contravention of the conditions of a licence so granted or of any condition imposed by a competent authority under this Act—

(*i*) does anything, the exclusive right to do which is by this Act conferred upon the owner of the copyright, or

(*ii*) permits for profit any place to be used for the performance of the work in public where such performance constitutes an infringement of the copyright in the work unless he was not aware and had no reasonable ground for believing that such performance would be an infringement of copyright, or

(*b*) when any person—

(*i*) makes for sale or hire, or sells or lets for hire, or by way of trade displays or offers for sale or hire, or

(*ii*) distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or

(*iii*) by way of trade exhibits in public, or

(*iv*) imports (except for the private and domestic use of the importer) into India any infringing copies of the work.

*Explanation*—For the purposes of this section, the reproduction of a literary, dramatic, musical or artistic work in the form of a cinematograph film shall be deemed to be an "infringing copy."

**52. Certain acts not to be infringement of copyright**—The following acts shall not constitute an infringement of copyright, namely:—

(*a*) a fair dealing with a literary, dramatic, musical or artistic work for the purposes of—

(*i*) research or private study;

(*ii*) criticism or review, whether of that work or of any other work;

(*b*) a fair dealing with a literary, dramatic, musical or artistic work for the purpose of reporting current events—

(*i*) in a newspaper, magazine or similar periodical, or

(*ii*) by radio-diffusion or in a cinematograph film or by means of photographs;

(*c*) the reproduction of a literary, dramatic, musical or artistic work for the purpose of a judicial proceeding or for the purpose of a report of a judicial proceeding;

(*d*) the reproduction or publication of a literary, dramatic, musical or artistic work in any work prepared by the Secretariat of a Legislature or, where the Legislature consists of two Houses, by the Secretariat of either House of the Legislature, exclusively for the use of the members of that Legislature;

(*e*) the reproduction of any literary, dramatic or musical work in a certified copy made or supplied in accordance with any law for the time being in force ;

(*f*) the reading or recitation in public of any reasonable extract from a published literary or dramatic work ;

(*g*) the publication in a collection, mainly composed of non-copyright matter, *bona fide* intended for the use of educational institutions, and so described in the title and in any advertisement issued by or on behalf of the publisher, of short passages from published literary or dramatic works, not themselves published for the use of educational institutions, in which copyright subsists:

Provided that not more than two such passages from works by the same author are published by the same publisher during any period of five years.

*Explanation*—In the case of a work of joint authorship, references in this clause to passages from works shall include references to passages from works by any one or more of the

authors of those passages or by any one or more of those authors in collaboration with any other person;

(*h*) the reproduction of a literary, dramatic, musical or artistic work—

(*i*) by a teacher or a pupil in the course of instruction; or

(*ii*) as part of the questions to be answered in an examination; or

(*iii*) in answers to such questions;

(*i*) the performance, in the course of the activities of an educational institution, of a literary, dramatic or musical work by the staff and students of the institution, or of a cinematograph film or a record, if the audience is limited to such staff and students, the parents and guardians of the students and persons directly connected with the activities of the institution;

(*j*) the making of records in respect of any literary, dramatic or musical work, if—

(*i*) records recording that work have previously been made by, or with the licence or consent of, the owner of the copyright in the work; and

(*ii*) the person making the records has given the prescribed notice of his intention to make the records, and has paid in the prescribed manner to the owner of the copyright in the work royalties in respect of all such records to be made by him, at the rate fixed by the Copyright Board in this behalf:

Provided that in making the records such person shall not make any alterations in, or omissions from, the work, unless records recording the work subject to similar alterations and omissions have been previously made by, or with the licence or consent of, the owner of the copyright or unless such alterations and omissions are reasonably necessary for

the adaptation of the work to the records in question;

(*k*) the causing of a recording embodied in a record to be heard in public by utilising the record,—

(*i*) at any premises where persons reside, as part of the amenities provided exclusively or mainly for residents therein, or

(*ii*) as part of the activities of a club, society or other organisation which is not established or conducted for profit;

(*l*) the performance of a literary, dramatic or musical work by an amateur club or society, if the performance is given to a non-paying audience, or for the benefit of a religious institution;

(*m*) the reproduction in a newspaper, magazine or other periodical of an article on current economic, political, social or religious topics, unless the author of such article has expressly reserved to himself the right of such reproduction ;

(*n*) the publication in a newspaper, magazine or other periodical of a report of a lecture delivered in public;

(*o*) the making of not more than three copies of a book (including a pamphlet, sheet of music, map, chart or plan) by or under the direction of the person in charge of a public library if such book is not available for sale in India;

NOTES—Provision is made for enabling libraries to make not more than three copies of the books, which are not available for sale.

(*p*) the reproduction, for the purpose of research or or private study or with a view to publication, of an unpublished literary, dramatic or musical work kept in a library, museum or other institution to which the public has access:

Provided that where the identity of the author of any such work or, in the case of a work of joint authorship, of any of the authors is known to the library, museum or other institu-

tion, as the case may be, the provisions of this clause shall apply only if such reproduction is made at a time more than fifty years from the date of the death of the author or, in the case of a work of joint authorship, from the death of the author whose identity is known or, if the identity of more authors than one is known from the death of such of those authors who dies last;

(q) the reproduction or publication of—

(*i*) any matter which has been published in any Official Gazette except an Act of a Legislature;

(*ii*) any Act of a Legislature subject to the condition that such Act is reproduced or published together with any commentary thereon or any other original matter;

(*iii*) the report of any committee, commission, council, board or other like body appointed by the Government if such report has been laid on the Table of the Legislature, unless the reproduction or publication of such report is prohibited by the Government;

(*iv*) any judgment or order of a court, tribunal or other judicial authority, unless the reproduction or publication of such judgment or order is prohibited by the court, the tribunal or other judicial authority, as the case may be;

(*r*) the production or publication of a translation in any Indian language of an Act of a Legislature and of any rules or orders made thereunder—

(*i*) if no translation of such Act or rules or orders in that language has previously been produced or published by the Government; or

(*ii*) where a translation of such Act or rules or orders in that language has been produced or published by the Government, if the translation is not available for sale to the public:

Provided that such translation contains a statement at a

prominent place to the effect that the translation has not been authorised or accepted as authentic by the Government;

(*s*) the making or publishing of a painting, drawing, engraving or photograph of an architectural work of art;

(*t*) the making or publishing of a painting, drawing, engraving or photograph of a sculpture, or other artistic work falling under sub-clause (*iii*) of clause (*c*) of section 2, if such work is permanently situate in a public place or any premises to which the public has access;

(*u*) the inclusion in a cinematograph film of—

(*i*) any artistic work permanently situate in a public place or any premises to which the public has access; or

(*ii*) any other artistic work, if such inclusion is only by way of background or is otherwise incidental to the principal matters represented in the film;

(*v*) the use by the author of an artistic work, where the author of such work is not the owner of the copyright therein, of any mould, cast, sketch, plan, model or study made by him for the purpose of the work:

Provided that he does not thereby repeat or imitate the main design of the work;

(*w*) the making of an object of any description in three dimensions of an artistic work in two dimensions, if the object would not appear, to persons who are not experts in relation to objects of that description, to be a reproduction of the artistic work;

(*x*) the reconstruction of a building or structure in accordance with the architectural drawings or plans by reference to which the building or structure was originally constructed:

Provided that the original construction was made with the consent or licence of the owner of the copyright in such drawings and plans;

(*y*) in relation to a literary, dramatic or musical work

recorded or reproduced in any cinematograph film, the exhibition of such film after the expiration of the term of copyright therein:

Provided that the provisions of sub-clause (*ii*) of clause (*a*), sub-clause (*i*) of clause (*b*) and clauses (*d*), (*f*), (*g*), (*m*) and (*p*) shall not apply as respects any act unless that act is accompanied by an acknowledgment—

(*i*) identifying the work by its title or other description; and

(*ii*) unless the work is anonymous or the author of the work has previously agreed or required that no acknowledgement of his name should be made, also identifying the author.

(2) The provisions of sub-section (1) shall apply to the doing of any act in relation to the translation of a literary, dramatic or musical work or the adaptation of a literary, dramatic, musical or artistic work as they apply in relation to the work it self.

**53. Importation of infringing copies,**—(1) The Registrar of Copyrights, on application by the owner of the copyright in any work or by his duly authorised agent and on payment of the prescribed fee, may after making such inquiry as he deems fit, order that copies made out of India of the work which if made in India would infringe copyright shall not be imported.

(2) Subject to any rules made under this Act, the Registrar of Copyrights or any person authorised by him in this behalf may enter any ship, dock or premises where any such copies as are referred to in sub-section (1) may be found and may examine such copies.

(3) All copies to which any order made under sub-section (1) applies shall be deemed to be goods of which the import has been prohibited or restricted under section 19 of the Sea Customs Act, 1878, and all the provisions of that Act shall have effect accordingly:

Provided that all such copies confiscated under the provi-

sions of the said Act shall not vest in the Government but shall be delivered to the owner of the copyright in the work.

## CHAPTER XII

### CIVIL REMEDIES

**54. Definition.**—For the purposes of this Chapter, unless the context otherwise requires, the expression "owner of copyright" shall include—

(*a*) an exclusive licensee;

(*b*) in the case of an anonymous or pseudonymous literary, dramatic, musical or artistic work, the publisher of the work, until the identity of the author or, in the case of an anonymous work of joint authorship, or a work of joint authorship published under names all of which are pseudonyms, the identity of any of the authors, is disclosed publicly by the author and the publisher or is otherwise established to the satisfaction of the Copyright Board by that author or his legal representatives.

**55. Civil remedies for infringement of copyright.**—(1) Where copyright in any work has been infringed, the owner of the copyright shall, except as otherwise provided by this Act, be entitled to all such remedies by way of injunction, damages, accounts and otherwise as are or may be conferred by law for the infringement of a right:

Provided that if the defendant proves that at the date of the infringement he was not aware and had no reasonable ground for believing that copyright subsisted in the work, the plantiff shall not be entitled to any remedy other than an injunction in respect of the infringement and a decree for the whole or part of the profits made by the defendant by the sale of the infringing copies as the court may in the circumstances deem reasonable.

(2) Where, in the case of a literary, dramatic, musical or artistic work, a name purporting to be that of the author or the publisher, as the case may be, appears on copies of the work as published, or, in the case of an artistic work,

appeared on the work when it was made, the person whose name so appears or appeared shall, in any proceeding in respect of infringement of copyright in such work, be presumed, unless the contrary is proved, to the author or the publisher of the work, as the case may be.

(3) The costs of all parties in any proceedings in respect of the infringement of copyright shall be in the discretion of the court.

**56. Protection of separate rights,**—Subject to the provisions of this Act, where the several rights comprising the copyright in any work are owned by different persons, the owner of any such right shall, to the extent of that right, be entitled to the remedies provided by this Act and may individually enforce such right by means of any suit, action or other proceeding without making the owner of any other right a party to such suit, action or proceeding.

**57. Author's special rights,**—(1) Independently of the author's copyright, and even after the assignment either wholly or partially of the said copyright, the author of a work shall have the right to claim the authorship of the work as well as the right to restrain, or claim damages in respect of,—

(*a*) any distortion, mutilation or other modification of the said work; or

(*b*) any other action in relation to the said work which would be prejudicial to his honour or reputation.

(2) The right conferred upon an author of a work by sub-section (1), other than the right to claim authorship of the work, may be exercised by the legal representatives of the author.

**58. Rights owner against persons possessing or dealing with infringing copies.**—All infringing copies of any work in which copyright subsists, and all plates used or intended to be used for the production of such infringing copies, shall be deemed to be the property of the owner of the copyright, who accordingly may take proceedings for the recovery of possession thereof or in respect of the conversion thereof:

Provided that the owner of the copyright shall not be entitled to any remedy in respect of the conversion of any infringing copies, if the opponent proves—

(*a*) that he was not aware and had no reasonable ground to believe that copyright subsisted in the work of which such copies are alleged to be infringing copies; or

(*b*) that he had reasonable grounds for believing that such copies or plates do not involve infringement of the copyright in any work.

**59. Restriction on remedies in the case of works of architecture.**—(1) Notwithstanding anything contained in the Specific Relief Act, 1877, where the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work has been commenced, the owner of the copyright shall not be entitled to obtain an injunction to restrain the construction of such building or structure or to order its demolition.

(2) Nothing in section 58 shall apply in respect of the construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work.

**60. Remedy in the case of groundless threat of legal proceedings.**—Where any person claiming to be the owner of copyright in any work, by circulars, advertisements or otherwise, threatens any other person with any legal proceedings or liability in respect of an alleged infringement of the copyright, any person aggrieved thereby may, notwithstanding anything contained in section 42 of the Specific Relief Act, 1877, institute a declaratory suit that the alleged infringement to which the threats related was not in fact an infringement of any legal rights of the person making such threats and may in any such suit—

(*a*) obtain an injunction against the continuance of such threats; and

(*b*) recover such damages, if any, as he has sustained by reason of such threats:

Provided that this section shall not apply if the person making such threats, with due diligence, commences and prosecutes an action for infringement of the copyright claimed by him.

**61. Owners of copyright to the party to the proceeding.**—(1) In every civil suit or other proceeding regarding infringement of copyright instituted by an exclusive licensee, the owner of the copyright shall, unless the court otherwise directs, be made a defendant and where such owner is made a defendant, he shall have the right to dispute the claim of the exclusive licensee.

(2) Where any civil suit or other proceeding regarding infringement by an exclusive licensee is successful, no fresh suit or other proceeding in respect of the same cause of action shall lie at the instance of the owner of the copyright.

**62. Jurisdiction of court over matters arising under this Chapter.**—(1) Every suit or other civil proceeding arising under this Chapter in respect of the infringement of copyright in any work or the infringement of any other right conferred by this Act shall be instituted in the district court having jurisdiction.

(2) For the purpose of sub-section (1), a "district court having jurisdiction" shall, notwithstanding anything contained in the Code of Civil Procedure, 1908, or any other law for the time being in force, include a district court within the local limits of whose jurisdiction, at the time of the institution of the suit or other proceeding, the person instituting the suit or other proceeding or, where there are more than one such persons, any of them actually and voluntarily resides or carries on business or personally works for gain.

## CHAPTER XIII

### OFFENCES

**63. Offence of infringement of copyright or other rights conferred by this Act.**—Any person who knowingly infringes or abets the infringement of—

(*a*) the copyright in a work, or

(*b*) any other right conferred by this Act,

shall be punishable with imprisonment which may extend to one year. or with fine, or with both.

*Explanation.*—Construction of a building or other structure which infringes or which, if completed, would infringe the copyright in some other work shall not be an offence under this section.

**64. Power of police to seize infringing copies**—(1) Where a magistrate has taken cognizance of any offence under section 63 in respect of the infringement of copyright in any work, it shall be lawful for any police officer, not below the rank of sub-inspector, to seize without any warrant from the magistrate, all copies of the work wherever found, which appear to him to be infringing copies of the work and all copies so seized shall, as soon as practicable, be produced before the magistrate.

(2) Any person having an interest in any copies of a work seized under sub-section (1) may, within fifteen days of such seizure, make an application to the magistrate for such copies being restored to him and the magistrate, after hearing the applicant and the complainant and making such further inquiry as may be necessary, shall make such order on the application as he may deem fit.

**65 Possession of plates for purpose of making infringing copies.**—Any person who knowingly makes, or has in his possession, any plate for the purpose of making infringing copies of any work in which copyright subsists shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

**66. Disposal of infringing copies or plates for purpose of making infringing copies**—The court trying any offence under this Act may, whether the alleged offender is convicted or not, order that all copies of the work or all plates in the possession of the alleged offender, which appear to it to be infringing copies, or plates for the purpose of making infringing copies, be delivered up to the owner of the copyright.

**67. Penalty for making false entries in register. etc., for producing or tendering false entries.**—Any person who,—

(*a*) makes or causes to be made a false entry in the Register of Copyrights kept under this Act, or

(*b*) makes or causes to be made a writing falsely purporting to be a copy of any entry in such register, or

(*c*) produces or tenders or causes to be produced or tendered as evidence any such entry or writing, knowing the same to be false,

shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

**68. Penalty for making false statements for the purpose of deceiving or influencing any authority or officer.**—Any person who,—

(*a*) with a view to deceiving any authority or officer in the execution of the provisions of this Act, or

(*b*) with a view to procuring or influencing the doing or omission of anything in relation to this Act or any matter thereunder,

makes a false statement or representation knowing the same to be false, shall be punishable with imprisonment which may extend to one year, or with fine, or with both.

**69. Offences by companies**—(1) Where any offence under this Act has been committed by a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for, the conduct of the business of the company, as well as the company shall be deemed to be guilty of such offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a

company, and it is proved that the offence was committed with the consent or connivance of, or is attributable to any negligence on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation*—For the purposes of this section—

(*a*) "company" means any body corporate and includes a firm or other association of persons; and

(*b*) "director" in relation to a firm means a partner in the firm.

**70. Cognizance of offences**—No court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall try any offence under thts Act.

## CHAPTER XIV

### APPEALS

**71. Appeals against certain orders of magistrate**—Any person aggrieved by an order made under sub-section (2) of section 64 or section 66 may, within thirty days of the date of such order, appeal to the court to which appeals from the court making the order ordinarily lie, and such appellate court may direct that execution of the order be stayed pending disposal of the appeal.

**72. Appeals against orders of Registrar of Copyrights and Copyright Board.**—(1) Any person aggrieved by any final decision or order of the Registrar of Copyrights may, within three months from the date of the order or decision, appeal to the Copyright Board.

(2) Any person aggrieved by any final decision or order of the Copyright Board, not being a decision or order made in an appeal under sub-section (1), may, within three months from the date of such decision or order, appeal to the High Court within whose jurisdiction the appellant actually and voluntarily resides or carries on business or personally works for gain:

Provided that no such appeal shall lie against a decision of the Copyright Board under section 6.

(3) In calculating the period of three months provided for an appeal under this section, the time taken in granting a certified copy of the order or record of the decision appealed against shall be excluded.

**73. Procedure for appeals.**—The High Court may make rules consistent with this Act as to the procedure to be followed in respect of appeals made to it under section 72.

## CHAPTER XV

### MISCELLANEOUS

**74, Registrar of Copyrights and Copyright Board to possess certain powers of civil courts**—The Registrar of Copyrights and the Copyright Board shall have the powers of a civil court when trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:—

(*a*) summoning and enforcing the attendance of any person and examining him on oath;

(*b*) requiring the discovery and production of any document;

(*c*) receiving evidence on affidavits;

(*d*) issuing commissions for the examination of witnesses or documents;

(*e*) requisitioning any public record or copy thereof from any court or office;

(*f*) any other matter which may be prescribed.

*Explanation.*—For the purpose of enforcing the attendance of witnesses, the local limits of the jurisdiction of the Registrar of Copyright or Copyright Board, as the case may be, shall be the limits of the territory of India.

**75. Orders for payment of money passed by Registrar of Copyrights and Copyright Board to be executable as a decree,**—Every order made by the Registrar or Copyrights or the Copyright Board under this Act for the payment of any money or by the High Court in any appeal against any such order of the Copyright Board shall, on a certificate issued by

the Registrar of Copyrights, the Copyright Board or the Registrar of the High Court, as the case may be, be deemed to be a decree of a civil court and shall be executable in the same manner as a decree of such court.

**76. Protection of action taken in good faith,**—No suit or other legal proceeding shall lie against any person in respect of anything which is in good faith done or intended to be done in pursuance of this Act.

**77. Certain persons to be public servants**—Every officer appointed under this Act and every member of the Copyright Board shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

**78. Power to make rules**—(1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, the Central Government may make rules to provide for all or any of the following matters, namely:—

(*a*) the term of office and conditions of service of the Chairman and other members of the Copyright Board;

(*b*) the form of complaints and applications to be made, and the licences to be granted, under this Act;

(*c*) the procedure to be followed in connection with any proceeding before the Registrar of Copyrights;

(*d*) the manner of determining any royalties payable under this Act, and the security to be taken for the payment of such royalties;

(*e*) the form of Register of Copyrights to be kept under this Act and the particulars to be entered therein;

(*f*) the matters in respect of which the Registrar of Copyrights and the Copyright Board shall have powers of a civil court;

(*g*) the fees which may be payable under this Act;

(*h*) the regulation of business of the Copyright Office

and of all things by this Act placed under the direction or control of the Registrar of Copyrights.

(3) All rules made under this section shall, as soon as may be after they are made, be laid before both Houses of Parliament for not less than thirty days and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

**79. Repeals, savings, and transitional provisions.**—(1) The Indian Copyright Act, 1914, and the Copyright Act of 1911 passed by the Parliament of the United Kingdom as modified in its application to India by the Indian Copyright Act, 1914, are hereby repealed,

(2) Where any person has, before the commencement of this Act, taken any action whereby he has incurred any expenditure or liabilities in connection with the reproduction or performance of any work in a manner which at the time was lawful or for the purpose of or with a view to the reproduction or performance of a work at a time when such reproduction or performance would, but for the coming into force of this Act, have been lawful, nothing in this section shall diminish or prejudice any rights or interests arising from or in connection with such action which are subsisting and valuable at the said date, unless the person who, by virtue of this Act, becomes entitled to restrain such reproduction or performance agrees to pay such compensation as, failing agreement, may be determined by the Copyright Board.

(3) Copyright shall not subsist by virtue of this Act in any work in which copyright did not subsist immediately before the commencement of this Act under any Act repealed by sub-section (1).

(4) Where copyright subsisted in any work immediately before the commencement of this Act, the rights comprising such copyright shall, as from the date of such commencement, be the rights specified in section 14 in relation to the class of works to which such work belongs, and where any new

rights are conferred by that section, the owner of such rights shall be—

(*a*) in any case where copyright in the work was wholly assigned before the commencement of this Act, the assignee or his successor-in-interest;

(*b*) in any other case, the person who was the first owner of the copyright in the work under any Act repealed by sub-section (1) or his legal representatives,

(5) Except as otherwise provided in this Act, where any person is entitled immediately before the commencement of this Act to copyright in any work or any right in such copyright or to an interest in any such right, he shall continue to be entitled to such right or interest for the period for which he would have been entitled thereto if this Act had not come into force.

(6) Nothing contained in this Act shall be deemed to render any act done before its commencement an infringement of copyright if that act would not otherwise have constituted such an infringement.

(7) Save as otherwise provided in this section, nothing in this section shall be deemed to affect the application of the General Clauses Act, 1897, with respect to the effect of repeals.

# UNIVERSAL COPYRIGHT CONVENTION

The first important international treaty on Copyright came from what is known or the Berne or International Convention for the Protection of Literary and Artistic works which was held on 1886. The Berne Convention has since been revised three times and supplemented twice by protocols.

The eight multilateral conventions concluded prior to the Universal Copyright Convention of 1955, are the *Berne Convention* 1886, *Montevideo Convention* 1889, *Mexico City Convention* 1902, *Rio de Jeneiro Convention* 1906, *Bueonos Aires Convention* 1910, *Caracas Agreement* 1911, *Havana Convention* 1928 and *Washington Convention* 1941.

With the exception of the Montevideo Convention, no European countries adhere to Conventions concluded by American countries; and with the exception of Brazil and Canada, no North or South American country is party to the Berne Convention. The title *Berne Union* is commonly used for what is formally known as the International Union for the Protection of Literary and Artistic works, while the Pan-American Union is the name for the Secretariat of the Organisation of American States.

So there has been eight multilateral Conventions in existence which brought forth a wealth of treaties which led to inevitable complications and legal conflicts.

The Berne Convention governed the relations of 40 countries in Europe, Asia and Africa, but only two in the Western Hemesphere: Canada and Brazil. The other Conventions with the exceptions of the Montevideo Agreement, were exclusively American. Finally there was a further group of nations such as China, several middle Eastern countries, the U.S.S.R. etc. which adhered to no Convention at all.

The various interpretation of the provisions of the Berne Union and also the existence of so many conventions

created considerable confusions in the international copyright. The only way out of this dead-lock was to draw up a Convention which would be universal and therefore calculated to satisfy all countries.

So in 1949, the Fourth Session of the General Conference of UNESCO at Paris resolved that UNESCO should consider the problem "as a matter of urgency" and should arrange for a comparative and critical study of the problem and the solutions adopted by existing laws and agreements. The UNESCO finally submitted a revised draft to an inter-governmental conference meeting in Geneva from 18 August to 6 September 1952,

The Conference drew up and adopted a Universal Copyright Convention and three protocols annexed thereto. Protocol I concerns the application of the convention to the works of stateless persons and refugees; Protocol II the application of the convention to the works of certain international organisation; Protocol III, the effective date of instruments of ratification, acceptance or accession to the Convention. The Convention remained open for signature by all States for a period of 120 days from its adaptation, 6th September 1952. Any State which has not signed the Convention may subsequently accede to it by depositing instruments of acceptance or accession with the Director General of Unesco. The following 40 countries have signed the Convention. but some have not signed all the protocols—Andora, Argentina,* Australia, Austria, Belgium, Brazil, Canada, Chile†, Cuba*, Denmark, El Salvador, Finland,* France, German Federal Republic, Guatimala, Haiti, Holy See, Honduras, India, Ireland, Israel, Italy, Japan, Libaria*, Luxemburg, Mexico†, Monaco*, Nicaragua, Netherlands,† Norway, Peru, Portugal, San Marino, Spain, Sweden†, Switzerland*, United Kingdom, U.S.A., Uruguay, Yogoslavia. The convention came into force on the 16th September 1955.

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* These countries have signed two protocols.

† These countries have signed one protocol.

The purpose of the Universal Copyright Convention is not to substitute a new international agreement. The Article XVII of the Universal Convention stipulates that the Convention shall not affect the provisions of the Berne Convention and guard against withdrawal from Berne Union.

Some of the terms of the Convention are as follows— (1) It provides that a minimum duration of protection must be granted for foreign literary and artistic works, namely, for the author's life plus 25 years. (2) No Contracting State need grant to foreign works covered by the Convention protection for a longer period than that fixed in the country of their origin. (3) For foreign authors, the formalities required by the national law of certain countries for the recognition and exercise of copyright has been waived. The sole requirement is a simple notice of claim of copyright with a symbol—the letter 'C' surrounded by a circle with the name of the copyright owner and the year of first publication. (4) As for right of translation, no one may make a translation without the author's authorization. However, any Contracting State may restrict this exclusive right to translate works and replace it by a non-exclusive and non-transferable compulsory licence if after the expiration of seven years from the date of first publication of a work, no translation has been published in the national language of the State in question, or if all previous editions of a translation in that language are out of print.

The compulsory licence requires a guarantee of fair remuneration for the author and of faithfulness in the translation itself,

The Universal Convention provides for the establishment of an inter-governmental committee to study problems concerning application and operation of the Convention, to prepare for periodic revisions and deal with other international copyright questions.

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## COPYRIGHT RULES

### NOTIFICATIONS UNDER THE COPYRIGHT ACT, 1957 (14 of 1957)

*Published in the Gazettee of India Extraordinary Part II—Section 3, the 21st January* 1958

S.R.O. 269.—In exercise of the powers conferred by sub-section (3) of section 1 of the Copyright Act, 1957 (14 of 1957), the Central Government hereby appoints the 21st day of January 1958 as the date on which the said Act shall come into force.

[No. F.17-3/58-C.2.]
P. N. KIRPAL, Jt. Secy.

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S.R.O. 270.—In exercise of the powers conferred by section 78 of the Copyright Act, 1957 (14 of 1957) the Central Government hereby makes the following rules, namely :—

### THE COPYRIGHT RULES, 1958

#### CHAPTER 1

#### PRELIMINARY

1. Short title, extent and commencement.—(1) These rules may be called the Copyright Rules, 1958.

(2) They extend to the whole of India.

(3) They shall come into force on the date on which the Act comes into force.

2. Interpretations.—In these rules, unless the context otherwise requires,—

(a) "Act" means the Copyright Act, 1957 (14 of 1957) ;

(b) "Form" means a form set out in the First Schedule ;

(c) "Schedule" means a Schedule to these rules ; and

(d) "Section" means a section of the Act.

#### CHAPTER II

#### THE COPYRIGHT BOARD

3. Terms and conditions of office of the Chairman and members of the Copyright Board.—(1) The Chairman and other members of the Copyright Board shall be appointed for such period not exceeding five years as the Central Government may in each case deem fit.

(2) The Chairman and other members of the Copyright Board shall, on the expiry of the period of their appointment, be eligible for re-appointment.

(3) The Chairman or any other member of the Copyright Board may resign his office by giving three months' notice in writing to the Central Government.

(4) The Chairman and other members of the Copyright Board shall be paid such salary or honorarium as may be determined by the Central Government in each case.

(5) A non-official appointed as the Chairman or other member of the Copyright Board shall be entitled to travelling allowances for journeys performed on duty and to daily allowances for the period spent on duty on the scale provided in the rules applicable to the class of officers to which the Central Government may declare him to correspond in status :

Provided that it shall be competent for the Central Government to provide a different scale of such allowances if the circumstances of any case so require.

(6) An official appointed as the Chairman or other member of the Copyright Board shall be entitled to such travelling allowances for journeys performed on duty and to such daily allowances for the period spent on duty as may be admissible to him as such official.

(7) The other conditions of service of the Chairman and other members of the Copyright Board shall be regulated by orders made in that behalf by the Central Government from time to time.

4. Functions of the Secretary of the Copyright Board.—The Registrar of Copyrights shall perform all secretarial functions relating to the Copyright Board under the direction and control of the Chairman of the Copyright Board.

#### CHAPTER III

#### RELINQUISHMENT OF COPYRIGHT

5. Notice of relinquishment.—The author of a work desiring to relinquish under section 21 all or any of the rights comprised in the copyright in the work shall give notice to the Registrar of Copyrights in accordance with Form 1.

#### CHAPTER IV

#### LICENCES FOR TRANSLATIONS

6. Application for licence.—(1) An application for a licence under section 32 to produce and publish a translation of a literary or dramatic work in any language shall be made in triplicate in accordance with Form II and shall be accompanied by the fee prescribed in the Second Schedule.

(2) Every such application shall be in respect of one work only and for translation of that work into one language only.

7. Notice of application.—(1) When any such application has been made, the Copyright Board shall, as soon as possible, give notice of the application in the Official Gazette and also, if the Copyright Board thinks fit, in one or two newspapers and shall send a copy of the notice to the owner of the copyright, wherever practicable.

(2) Every such notice shall contain the following particulars :—

(a) the date of the application ;
(b) the name, address and nationality of the applicant
(c) particulars of the work which is to be translated ;
(d) the date and country of the first publication of the work ;
(e) the name, address and nationality of the owner of the copyright as stated in the application ;
(f) the language in which the work is to be translated ; and
(g) the Registration Number of the work in the Register of Copyrights, if any.

8. Consideration of the application.—(1) The Copyright Board shall consider the application after the expiry of not less than one hundred and twenty days from the date of the publication of the notice in the Official Gazette.

(2) The Copyright Board shall give an opportunity to the applicant and also, wherever practicable, to any person claiming any interest in the copyright of the work, to be heard and may take such evidence in respect of the application as it thinks fit.

(3) If more than one application for translation of the work in the same language is pending before the Copyright Board at the expiry of one hundred and twenty days after the publication in the Official Gazette of the notice of the application first received, all such applications shall be considered together.

(4) If the Copyright Board is satisfied that the licence for a translation of the work in the language applied for may be granted to the applicant, or, if there are more applicants than one, to such one of the applicants as, in the opinion of the Copyright Board, would best serve the interests of the general public, it shall grant a licence accordingly.

(5) Every such licence shall be subject to the condition provided in sub-section (4) of section 32 relating to the payment of royalties and shall specify—

(a) the period within which the translation shall be produced and published ;
(b) the language in which the translation shall be produced and published ;
(c) the rate at which royalties in respect of the copies of the translation of the work sold to the public shall be paid to the owner of the copyright in the work ; and
(d) the person or persons to whom such royalties shall be payable.

(6) The grant of every such licence shall as soon as possible, be notified in the Official Gazette and in the newspapers, if any, in which the notice under rule 7 was published and a copy of the licence shall be sent to the other parties concerned.

9. Manner of determining royalties.—The Copyright Board shall determine the royalties payble to the owner of the copyright under sub-section (4) of section 32 after taking into consideration—

(a) the proposed retail price of a copy of the translation of the work ;
(b) the prevailing standards of royalties in regard to translation of works ; and
(c) such other matters as may be considered relevant by the Copyright Board.

10. Extension of the period of licence.—The Copyright Board may, on the application of the licensee and after notice to the owner of the copyright, wherever practicable, if it is satisfied that the licensee was, for sufficint reasons unable to produce and publish the translation within the period specified in the licence, extend such period.

11. Cancellation of licence.—The Copyright Board may, after giving the licensee an opportunity of being heard, cancel the licence on any of the following grounds, namely :—

(a) that the licensee has failed to produce and publish the translation within the time specified in the licence or within the time extended on the application of the licensee :
(b) that the licence was obtained by fraud or misrepresentation as to any essential fact ;
(c) that the licensee has contravened any of the terms and conditions of the licence.

## CHAPTER V

### Performing Rights Societies

12. Publication of statement of fees etc.—(1) Every performing rights society having at the commencement of the Act authority to grant licences for performance in public of any works shall, within three months of the commencement of the Act or within such further period as the Registrar of Copyrights may, for sufficient reasons, allow in respect of any such society on an application made by it in this behalf, prepare and publish, at its own cost, in the Official Gazette and in two newspapers in the English language published in two different zones, the statements of all fees, charges or royalties which it proposes to collect for the grant of such licences.

(2) Every performing rights society shall, within one month of its acquiring after the commencement of the Act the authority to grant licences for performance in public of any works or within such further period as the Registrar of Copyrights may, for sufficient reasons, allow in respect of any such society on an application made by it in this behalf,

prepare and publish, at its own cost, in the Official Gazette, and in two newspapers in the English language published in two different zones, the statements of all fees, charges or royalties which it proposes to collect for the grant of such licences.

(3) Every performing rights society shall file with the Registrar of Copyrights two copies of the statements prepared under sub-rule (1), or sub-rule (2) within the time specified therein, together with two copies of each of the newspapers in which such statements have been published.

*Explanation.*—In this rule "zone" shall have the same meaning as in section 12.

13. Determination of objections.—The Copyright Board may take such evidence as it deems fit in determining any objection lodged under section 34.

14. Publication of alterations in the statements of fees etc.—The Registrar of Copyrights shall publish the alterations made by the Copyright Board in the statements of fees, charges or royalties in the Official Gazette and in the two newspapers in which the original statements were published under rule 12 or in such other newspapers as he may deem fit.

## CHAPTER VI

### Registration of Copyright

15. Form of Register of Copyrights.—(1) The Register of Copyrights shall be kept in four parts as follows :—

Part I. Literary, Dramatic and Musical Works.

Part II. Artistic Works.

Part III. Cinematograph Films.

Part IV. Records.

(2) The Register of Copyrights shall contain the particulars specified in Form III.

16. Application for Registration of Copyright.—(1) Every application for registration of copyright shall be made in accordance with Form IV and every application for registration of changes in the particulars of copyright entered in the Register of Copyrights shall be made in accordance with Form V.

(2) Every such application shall be in respect of one work only, shall be made in triplicate and shall be accompanied by the fee specified in the Second Schedule in this behalf.

(3) The person applying for registration shall simultaneously send a copy of the application to every other person interested in the copyright of the work.

(4) If no objection to such registration is received by the Registrar of Copyrights within thirty days of the receipt of the application by him, he shall, if satisfied about the correctness of the particulars given in the application, enter such particulars in the Register of Copyrights.

(5) If the Registar of Copyrights receives any objections for such registration within the time specified in sub-rule (4), or, if he is not satisfied about the correctness of the particulars given in the application, he may, after holding such inquiry as he deems fit, enter such particulars of the work in the Register of Copyrights as he considers proper.

(6) The Registrar of Copyrights shall, as soon as may be, send, wherever practicable, a copy of the entries made in the Register of Copyrights to the parties concerned.

17. Correction of entries in the Register of Copyrights.—The Registrar of Copyrights may, on his own motion or on application of any interested person, amend or alter the Register of Copyrights in the manner specified in section 49 after giving, wherever practicable, to the person affected by such amendment or alteration, an opportunity to show cause against such amendment or alteration and communicate to such person the amendment or alteration made.

18. Indexes. (1) There shall be kept at the Copyright Office the following indexes for each part of the Register of Copyrights, namely,—

(i) a general Author Index ;

(ii) a general Title Index ;

(iii) an Author Index of works in each language ; and

(iv) a Title Index of works in each language.

(2) Every index shall be arranged alphabetically in the form of cards.

19. Inspection of the Register of Copyrights and Indexes.—The Register of Copyrights and indexes thereof shall at all reasonable times be open to inspection by any person in such manner and subject to such conditions as the Registrar of Copyrights may specify.

20. Copies and extracts of the Register of Copyrights and Indexes.—(1) Any person shall be entitled to take copies of, or make extracts from, the Register of Copyrights or indexes on payment of the fee specified in the Second Schedule subject to such supervision as the Registrar of Copyrights may arrange.

(2) The Registrar of Copyrights shall, on an application made in that behalf and on payment of the fee specified in the Second Schedule, furnish a certified copy of any entries made in the Register of Copyrights and indexes thereof.

## CHAPTER VII

### MAKING OF RECORDS

21. Making of records.—(1) Any person intending to make records under clause (j) of sub-section (1) of section 52 shall give notice of such intention to the owner of the copyright and to the Copyright Board at least sixty days in advance of the making of the records and shall pay to the owner of the copyright, along with the notice, the amount of royalties due in respect of all the records to be made at the rate fixed by the Copyright Board in this behalf.

(2) Such notice shall contain the following information, namely :—

(a) the particulars of the work in respect of which records are to be made ;
(b) alterations and omissions, if any, which are proposed to be made for the adaptation of the work to the records ;
(c) the name, address and nationality of the owner of the copyright in the work;
(d) particulars of the records made previously recording the work ;
(e) the number of records intended to be made ; and
(f) the amount paid to the owner of the copyright in the work by way of royalties and the manner of payment.

## CHAPTER VIII

### IMPORATION OF INFRINGING COPIES

22. Importation of infringing copies.—Every application under sub-section (1) of section 53 shall be made in accordance with Form VI and shall be accompanied by the fee specified in the Second Schedule.

23. Procedure for examination of infringing copies.—The Registrar of Copyright or the person authorised by him in this behalf shall, in taking action under sub-section (2) of section 53, act in collaboration with Customs authorities.

## CHAPTER IX

### MISCELLANEDUS

24. Mode of making applications etc.—Every application, notice, statement or any other document to be made, given, filed, or sent under the Act or under these Rules may, unless otherwise directed by the authority concerned, be sent by hand or pre-paid registered post.

25. Mode of communication by the Copyright Board etc.—Every written intimation from the Copyright Board, the Copyright Office or the Registrar of Copyrights shall be deemed to have been duly communicated to any person if such intimation is sent to the known address of such person by pre-paid registered post.

26. Fees.—(1) The fees payable under the Act in respect of any matter shall be as specified in the Second Schedule.

(2) The fees may be paid to the Registrar of Copyrights, New Delhi, by a postal order or a bank draft issued by a Scheduled Bank as defined in the Reserve Bank of India Act, 1933, or by deposit into a Government Treasury or a branch of the Reserve Bank of India or the State Bank of India under the head of account : Major Head—'XLVI—Miscellaneous', Minor Head 'Naturalisation, Passport and Copyright Fees'.

(3) Postal orders and bank drafts shall be crossed and drawable in New Delhi.

(4) Payment by bank drafts shall not be valid unless the amount of bank commission is included therein.

(5) Where payment is made by deposit in a Government Treasury or a branch of the Reserve Bank of India or the State Bank of India, the *challan* evidencing the payment shall be sent to the authority concerned by prepaid registered post.

27. Right of audience.—In any proceedings before the Copyright Board or the Registrar of Copyrights any party may appear and be heard either in person or by a pleader or other person duly authorised by such party.

28. Costs.—The costs of, and incidental to, the proceedings before the Copyright Board or the Registrar of Copyrights shall be in the discretion of the Copyright Board or the Registrar of Copyright, as the case may be.

## FIRST SCHEDULE

### Form I—Notice of relinquishment of Copyright

(*See rule* 5)

To,

The Registrar of Copyrights
Copyright Office,
NEW DELHI.

Sir,

In accordance with section 21 of the Copyright Act, 1957 (14 of 1957), I hereby give notice that, with effect from the date of this notice, I do relinquish, to the extent specified in the enclosed affidavit, my rights in the work described in the said affidavit.

Place :—

Date :—

Yours faithfully,
(Signature.)

Form of Affidavit referred to aboxe

I,_____, of
(full name in block letters)

_____do hereby on
(address)
solemn affirmation state that :—

(1) I am the author of the work described in the Statement below ;

(2) I am the owner of the copyright in the said work to the extent specified in the said Statement ; and

(3) I do hereby relinquish my rights in the said work to the extent specified in the said statement.

STATEMENT

1. Description of the Work :
   - (*a*) Class of the work (Literary, Dramatic, Musical, Artistic, Cinematograph Film, Record).
   - (*b*) Title of the work.
   - (*c*) Full name, address and nationality of the author.
   - (*d*) Language of the work.
   - *(*e*) Name, address and nationality of the publisher.
   - *(*f*) Year of first publication.
   - (*g*) Country of first publication.
   - (*h*) If the copyright in the work is registered under section 45, the Registration Number.

   *(If the work has appeared as a serial or otherwise in a journal or magazine, give the name of the journal or magazine, the volume number of the issue, the date and page reference),

2. Rights owned by the deponent on the date of the affidavit.
   (If the rights are owned jointly with others, state names, addresses and nationalities of the joint owners).

3. Extent to which rights are relinquished.

4. Reasons for relinquishment of the rights.
   (The information given here will be kept strictly confidential).

5. Remarks if any

Place :—
Date :—

*Signature*_____

Solemnly affirmed before me by

_____who is known to me personally/
(name of deponent in block letters)

who is indentified to me by_____
(name of identifier in block letters)

who is known to me personally.

Place :—
Date :—

(Signature and seal of the Magistrate)

Form II—Application for a licence for translation.
(*See rule* 6)

(To be submitted in triplicate)

To,
The Registrar of Copyright,
Secretary, Copyright Board,
Copyright Office,
NEW DELHI,

Sir,

In accordance with section 32 of the Copyright Act, 1957 (14 of 1957), I hereby apply to the Copyright Board for a licence to produce and publish a translation of the work in accordance with the particulars given in the enclosed Statement.

2. I hereby undertake to abide strictly by the terms and conditions of the licence, if granted to me.

Place :—
Date :—

Yours faithfully,
(Signature.)

STATEMENT

1. Full name of the applicant———————————————————
(in block letters)

2. Full address and nationality of the applicant.
3. Telegraphic address, if any.
4. Description of the work :
(a) Class of the work (Literary, Dramatic, Musical, Artistic, Cinematograph Film, Record).
(b) Title of the work.
(c) Full name, address and nationality of the author and if the author is deceased, the date of his decease.
(d) Language of the work.
*(e) Name, address and nationality of the publisher.
*(f) Year of first publication.
(g) Country of first publication.
(h) Price of a copy of the work.
(i) If the copyright in the work is registered under section 45, the Registration Number.

*(If the work has appeared as a social or otherwise in a journal or magazine, give the name of the journal or magazine, the volume number of the issue, the date and the page reference).

5. Language into which the work is proposed to be translated.
6. Full name, qualifications and address of the translator.
7. Qualifications of the applicant to produce and publish the translation.
8. Number of copies of the translation proposed to be published.
9. Estimated cost of production and publication of the translation.
10. Proposed retail price per copy of the translation.
11. Rate of royalty, which the applicant considers reasonable, to be paid to the copyright owner.
12. Means of the applicant for payment of the royalty.
13. Whether the prescribed fee has been paid and if so, particulars of payment (give Postal Order/Bank Draft/Treasury Challan Number).
14. (a) Full name, address and nationality of the person competent to issue a licence for translation.
(b) Whether the applicant was able to find the said person.
*(c) Whether the applicant had requested and had been denied authorisation by the said person to produce and publish the translation.
*(d) If the applicant was unable to find the owner, whether he had sent a copy of the request for authorisation to the publisher. If so, the date on which the copy was sent.

*(Enclose true copies of correspondence, if any)

15. Whether the author of the work has withdrawn from circulation copies of the work.
16. (a) Whether a translation in the same language has been published before.
(b) Whether the earlier translation is out of print.
(c) Full name, address and nationality of the earlier translator and if the said translator is deceased, the date of his decease.
(d) Title of the earlier translation.
(e) Full name, address and nationality of the publisher of the earlier translation.
(f) Year of publication.
(g) Price per copy of the earlier translation.
(h) If the earlier translation is registered under section 45, the Registration Number.
(i) Rate and amount of royalty paid to the copyright owner in respect of the earlier translation, if known.
17. (a) Whether translation has been made into any language other than the language stated in 5 above.
(b) Full name, address and nationality of the translator and if the said translator is deceased, the date of his decease.
(c) Title of the translation.
(d) Language of the translation.
(e) Full name, address and nationality of the publisher of the translation.
(f) Year of publication.
(g) Price per copy of the translation.
(h) If the translation is registered under section 45, the Registration Number.
(i) Rate and amount of royalty paid to the copyright owner, if known.
18. Remarks, if any.
19. List of enclosures.

Place :—
Date :— (Signature)

Form III—Form of Register of Copyrights
(*See rule* 15)

1. Registration Number.
2. Name, address and nationality of the applicant.
3. Nature of the applicant's interest in the copyright of the work.
4. Class and description of the work.
5. Title of the work.
6. Language of the work.
7. Name, address and nationality of the author and if the author is deceased, the date of his decease.
8. Whether work is published or unpublished.
9. Year and country of first publication and name, address and nationality of the publisher.
10. Years and countries of subsequent publications, if any, and names, addresses and nationalities of the publishers.
11. Names, addresses and nationalities of the owners of the various rights comprising the copyright in the work and the extent of rights held by each, together with particulars of assignments and licences, if any.
12. Names, addresses and nationalities of other persons, if any, authorised to assign or licence the rights comprising the copyright.
13. If the work is an 'Artistic Work,' the location of the original work, including name, address and nationality of the person in possession of it. (In the case of an architectural work, the year of completion of the work should also be shown).
14. Remarks, if any.

Form IV—Application for Registration of Copyright
(*See* rule 16)

To

The Registrar of Copyrights,
Copyright Office,
NEW DELHI.

Sir,

In accordance with section 45 of the Copyright Act, 1957 (14 of 1957), I hereby apply for registration of copyright and request that entries may be made in the Register of Copyrights as in the enclosed Statement of Particulars sent herewith in triplicate.

*I also send herewith duly completed the Statement of Further Particulars relating to the work.

2. In accordance with rule 16 of the Copyright Rules, 1958, I have sent by prepaid registred post copies of this letter and of the enclosed Statement (s) to the other parties **concerned, as shown below :—

| Names and addresses of the parties<br>1 | Date of despatch<br>2 |
|---|---|

*For Literary, Dramatic, Musical and Artistic Works only.

**(See columns 7, 11, 12 and 13 of the Statement of Particulars and the party referred to in column 2(e) of the Statement of Further Particulars).

3. The prescribed fee has been paid, as per details below :—

4. Communications on this subject may be addressed to :—

List of Enclosures

Place :—

Date :—

Yours faithfully,
(Signature).

Statement of Particulars
(To be sent in triplicate)

1. Registration Number, (To be filled in the Copyright Office).
2. Name, address and nationality of the applicant.
3. Nature of the applicant's interest in the copyright of the work.
4. Class and description of the work.
5. Title of the work.
6. Language of the work.

7. Name, address and nationality of the author and if the author is deceased, the date of his decease.
8. Whether work is published or unpublished.
9. Year and country of first publication and name, address and nationality of the publisher.
10. Years and countries of subsequent publications, if any, and names, addresses and nationalities of the publishers.
11. Names, addresses and nationalities of the owners of the various rights comprising the copyright in the work and the extent of rights held by each, together with particulars of assignments and licences, if any.
12. Names, addresses and nationalities of other persons, if any, authorised to assign or licence the rights comprising the copyright.
13. If the work is an "Artistic Work," the location of the original work, including name, address and nationality of the person in possession of the work. (In the case of an architectural work, the year of completion of the work should also be shown).
14. Remarks, if any.

Place :—

Date :—

(Signature).

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Statement of Further Particulars
(For Literary, Dramatic, Musical and Artistic Works only)
(To be sent in trplicate)

1. Is the work to be registered ?
   (*a*) an original work ?
   (*b*) a translation of a work in the public domain ?
   (*c*) a translation of a work in which copyright subsists ?
   (*d*) an adaptation of a work in the public domain ?
   (*e*) an adaptation of a work in which copyright subsists ?
2. If the work is a translation or adaptation of a work in which copyright subsists :—
   (*a*) Title of the original work.
   (*b*) Language of the original work.
   (*c*) Name, address, and nationality of the author of the original work and if the author is deceased, the date of his decease.
   (*d*) Name, address and nationality of the publisher, if any, of the original work.
   (*e*) Particulars of the authorization for a translation or adaptation including the name address and nationality of the party authorising.
3. Remarks, if any

Place :—

Date :—

(Signature)

Form V—Application for registration of changes in the particulars of copyright entered in the Register of Copyrights

(*See* rule 16)

To

The Registrar of Copyrights,
Copyright Office,
NEW DELHI.

Sir,

In accordance with rule 16 of the Copyright Rules, 1958, I hereby apply for registration of changes in the particulars of copyright entered in the Register of Copyrights and request that changes in the existing entries may be made as specified in the enclosed Statement of Particulars,

2. I have sent by registered post copies of this letter and of the Statement of Particulars to the other parties concerned* as shown below :—

| Names and addresses of parties | Date of despatch |
|---|---|
| | |

*See columns 7, 11, 12 and 13 of the Register of Copyrights

3. The prescribed fee has been paid, as per details below :—
4. Communications on this subject may be addressed to :—

Place :—

Date :—

Yours faithfully,

Signature.

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Statement of Particulars

1. Registration Numb in the Register of Copyrights.
2. Changes sought in the particulars of copyright as entered in the Register of Copyrights.

| Reference to Column Number of the Register of Copyrights | Existing entry in the Register of Copyrights | Proposed entry in place of the existing entry in the Register of Copyrights | Reasons for the changes proposed |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| | | | |

NOTE.—Where the changes proposed are consequent on assignments or licences of copyright, attested copies of the deeds of assignments or licences should be enclosed.

3. List of Enclosures.

Place :—

Date :—

Signature

Form VI—Application under section 53 of the Act
(*See* rule 22)

To

The Registrar of Copyrights,
Copyright Office,
New Delhi.

Sir,

In accordance with section '53 of the Copyright Act, 1957 (14 of 1957), I hereby state that :—

*I am the owner of the copyright

*I am the duly authorised agent of- _____ who is the owner of copyright
(full name)

in the work specified in the enclosed affidavit and I hereby apply for an order that the copies of the said work as specified in the said affidavit shall not be imported into India.

*Delete whichever is inapplicable.

2. I am also enclosing a copy of the work the copyright in which is being infringed.

3. I produce herewith the following additional evidence in proof of infringement of copyright by the works in respect of which the order is sought :—

(Give particulars)

4. The prescribed fee has been paid as per details below—

(Give particulars)

5. Communication on this subject may be addressed to—

Place :—

Date :

Yours faithfully,

(Signature)

---

Form of Affidavit

I, _____, of
(full name in block letters)

_____, do hereby
(full address)

on solemn affirmation state that—

(1) the particulars in the Statement below are true to the best of my knowledge and belief ;

(2) the works which are being imported in accordance with the particulars in the said Statement are infringing copies of the work described in the said Statement ; and

(3) I am interested in the prevention of importation of the said infringing copies for the following reasons :—

(State reasons)

(4) the infringing copies are not being imported for the private and domestic use of the importer.

---

Statement

A. Particulars of the Work and Rights held

1. Full name, address and nationality of the applicant.

2. Telegraphic address of the applicant.

3. If the applicant is not the owner of the copyright, full name, address and nationality of the owner of the copyright.

4. Description of the Work :—

(*a*) Class of the work (Literary,. Dramatic, Musical, Artistic, Cinematograph Film, Record).
(*b*) Title of the work.
(*c*) Full name, address and nationality of the author and if the author is deceased, the date of his decease.
(*d*) Language of the work.
*(*e*) Name and address of the publisher.
*(*f*) Year of first publication.
(*g*) Country of first publication.
(*h*) If the copyright in the work is registered under section 45, the Registration Number.

*(If the work has appeared as a serial or otherwise in a journal or magazine, give the name of the journal or magazine, the volume number of the issue, the date and page reference).

B.—Details of import of infringing copies.

1. Country of origin of the infringing copies.

2. Name, address and nationality of the importer in India.

3. Name, address and nationality of the maker of the infringing copies.

4. Expected time and place of import of the infringing copies into India.

5. In case a consignment of the infringing copies is detected and detained. will the applicant be prepared to go himself or depute an authorised agent to identify the said copies to the satisfaction of the Registrar of Copyrights.

C.—Any other relevant information not covered above.

Place :

Date :

(Signature)

Solemnly affirmed before me by———————————————
(full name of deponent in block letters)

who is known to me personally/who is identified to me by———————————————
who is known to me personally. (name of identifier in block letters).

Place :

(Signature and seal of the Magistrate.)

Date :

## SECOND SCHEDULE

Fees payable under the Act

| | |
|---|---|
| 1. For a licence to republish a Literary, Dramatic, Musical or Artisitic Work (*section* 31). | Rs. 25/- per work. |
| 2. For a licence to republish a Cinematograph Film (*section* 31). | Rs. 50/- per work. |
| 3. For a licence to republish a Record (*section* 31). | Rs. 25/- per work. |
| 4. For a licence to perform an Indian work in public or to communicate the work to the public by radio-diffusion (*section* 31). | Rs. 5/- per work. |

| | |
|---|---|
| 5. For an application for a licence to produce and publish a translation of a Literary or Dramatic Work in any language (*section* 32). | Rs. 50/- per work. |
| 6. For an application for registration of copyright in a Literary, Dramatic, Musical or Artistic Work (*section* 45). | Rs. 2/- per work. |
| 7. For an application for changes in particulars of copyright entered in the Register of Copyrights in respect of a Literary, Dramatic, Musical or Artistic Work (*section* 45). | Re. 1/- per work. |
| 8. For an application for registration of copyright in a Cinematograph Film (*section* 45). | Rs. 10/- per work. |
| 9. For an application for registration of changes in particulars of copyright entered in the Register of Copyrights in respect of a Cinematograph Film (*section* 45). | Rs. 5/- per work. |
| 10. For an application for registration of copyright in a Record (*section* 45). | Rs. 4/- per work. |
| 11. For an application for registration of changes in particulars of copyright entered in the Register of Copyrights in respect of a Record (*section* 45). | Rs. 2/- per work. |
| 12. For taking extracts from the Register of Copyrights (*section* 47). | Re. 1/- per work per hour. |
| 13. For taking extracts from the Indexes (*section* 47). | Re. 0.50 per hour or fractions of an hour. |
| 14. For a certified copy of an extract from the Register of Copyrights or the Indexes (*section* 47). | Re. 1/- per work plus 0.50 per folio of 144 words or less. |
| 15. For a certified copy of any other public document in the custody of the Registrar of Copyrights or the Copyright Board. | Re. 0.50 per folio of 144 words or less. |
| 16. For an application for prevention of importation of infringing copies (*section* 53). | Rs. 25/- per work per place of entry. |

[No. F. 17-4/58. C-2.]
P. N. KIRPAL
*Jt. Secretary.*

## THE INTERNATIONAL COPYRIGHT ORDER, 1958

S.R.C. 271.—In exercise of the powers conferred by section 40 of the Copyright Act, 1957 (14 of 1957), the Central Government hereby makes the following order, namely :—

1. (1) This Order may be called the International Copyright Order, 1958.
(2) It shall come into force on the 21st day of January, 1958.

2. In this Order, unless the context otherwise requires—
(a) "Berne Convention Country" means a country which is a member of the Berne Copyright Union, being a country mentioned in Part I of the Schedule ;
(b) "Order in Council" means an Order in Council made under the Copyright Act, 1911, passed by the Parliament of the United Kingdom ;
(c) "Schedule" means the schedule to this Order ; and
(d) "Universal Copyright Convention Country" means a country which has ratified, accepted or acceded to the Convention relating to copyright done at Geneva on the sixth day of September, one thousand nine hundred and fifty two, being a country mentioned in Part II of the Schedule.

3. Subject to the provisions of paragraph 4, all the provisions of the Copyright Act, 1957 (14 of 1957), (hereinafter referred to as "the Act"), except those of Chapter VIII and those which apply exclusively to Indian works, shall apply—
(a) to any work first published in a country mentioned in the Schedule, in like manner as if it was first published in India ;
(b) to any work first published in a country other than a country mentioned in the Schedule, the author of which was, at the date of such publication, or, where the author was dead at that date, was at the time of his death, a national of a Universal Copyright Convention Country, in like manner as if the author was a citizen of India at that date or time ;
(c) to an unpublished work, the author whereof was, at the time of the making of the work, a national of, or domiciled in, any country mentioned in the Schedule, in like manner as if the author was a citizen of, or domiciled in, India ; and

(d) in relation to a body incorporated under any law of a country mentioned in the Schedule, in like manner as if it was incorporated under a law in force in India.

4. Notwithstanding anything contained in paragraph 3—

(a) the provisions of section 32 of the Act—

(i) shall not apply to a work first published in a Berne Convention Country ; and

(ii) shall apply to a work first published in a Universal Copyright Convention Country, not being a Berne Convention Country, and to a work of a national of a Universal Copyright Convention Country first published in a country other than a Berne Convention Country, only in respect of translation of the work into any language specified in the Eighth Schedule to the Constitution of India ;

(b) the term of copyright for a work shall not exceed that enjoyed by it in its country of origin ; and

(c) the Act or any part thereof shall not apply to a work published before the commencement of this Order in a Universal Copyright Convention Country, not being a Berne Convention Country, other than any such work published in the United States of America hich enjoyed copyright in India immediately before such commencement by virtue of any Order in Council.

*Explanation.*—In this paragraph, "country of origin' 'means :—

(a) in the case of a work first published in a Berne Convention Country or a Universal Copyright Convention Country, that country ;

(b) in the case of a work published simultaneously in a Berne Convention Country and a country which is not a Berne Convention Country, the former country;

(c) in the case of a work which is published simultaneousy in a Universal Copyright Convention Country and a country which is neither a Berne Convention Country nor a Universal Copyright Convention Country, the former country ;

(d) in the case of a work which is published simultaneously in several Berne Convention Countries, the country whose laws give the shortest term of copyright in such a work ;

(e) in the case of a work which is published simultaneously in several Universal Copyright Convention Countries, the country whose laws give the shortest term of copyright in such a work ;

(f) in the case of an unpublished work or a work first published in a country other than a Berne Convention Country or a Universal Copyright Convention Country, the country of which the author was a national, or the country in which he was domiciled at the time of making the work or a substantial part of it or, as the case may be, at the time of its first publication, whichever gives the longer term of copyright.

5. All Orders in Council, so far as they form part of the law of India, are hereby revoked :

Provided that where by virtue of any Order in Council copyright subsisted in a work immediately before the commencement of this Order and copyright does not subsist therein under this Order, it shall continue to subsist therein as if such Order in Council had not been revoked.

## THE SCHEDULE

### PART I

Berne Convention Countries

[See paragraph 2 (a)]

Australia (and Papua, New Guinea, Nauru and Norfolk Island).
Austria.
Belgium (and Belgian Congo and Ruanda Urundi).
Brazil.
Bulgaria.
Canada.
Czechoslovakia.
Denmark.
Finland.
France (and its territories).
Federal Republic of Germany (and Land Berlin).
Greece.
Hungary.
Iceland.
Indonesia.
Republic of Ireland.
Israel.
Italy.
Japan.
Lebanon.
Liechtenstein.
Luxembourg.
Monaco.
Morocco.
Netherlands (and its territories).
New Zealand (and Western Samoa).
Norway.
Pakistan.
Poland.
Portugal (and its territories).
Rumania.
Siam (Thailand).
South Africa.
Spain (and its territories).
Sweden.
Switzerland.
Syria.
Tunisia.
United Kingdom.
Vatican City.
Yugoslavia.

PART II

UNIVERSAL COPYRIGHT CONVENTION COUNTRIES

[(See paragraph 2 (d).]

Andora.
Austria.
Argentine Republic.
Cambodia.
Chile.
Costa Rica.
Cuba.
Ecuador.
France.
Federal Republic of Germany (and Land Berlin).
Haiti.
Iceland.
Israel.
Italy.
Japan.
Laos.
Liberia.
Luxembourg.
Mexico.
Monaco.
Pakistan.
Phillipines.
Portugal.
Spain.
Switzerland.
United Kingdom.

The United States of America (and Alaska, Guana, Panama Canal Zone, Puerto Rico and Virgin Islands of the United States of America).
Vatican City.

[No. F.17-6/58-C2.]
P. N. KIRPAL, Jt. Secy.

COPYRIGHT (INTERNATIONAL ORGANISATIONS) ORDER, 1958

S.R.O. 272.—In exercise of the powers conferred by sub-section (3) of section 41 of the Copyright Act, 1957 (14 of 1957), the Central Government hereby makes the following order, namely :—

1. Short title and commencement.—(1) This Order may be called the Copyright (International Organisation) Order, 1958.

(2) It shall come into force on the 21st. day of January, 1958.

2. Organisations to which section 41 of the Copyright Act, 1957, applies.—It is hereby declared that it is expedient that section 41 the Copyright Act, 1957 (14 of 1957), shall apply to the organisations specified in the Schedule hereto.

The Schedule

1. United Nations Organisation.
2. Specialized Agencies of the United Nations Organisation.
3. Organisation of American States.

[No. F.17-2/58-C.2.]
P. N. KIRPAL, Jt. Secy.

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